Ireland. Laws, statutes, etc. Compilations

THE

STATUTES

AT LARGE,

PASSED IN THE

PARLIAMENTS

HELD IN

IRELAND:

FROM

The Third Year of EDWARD the Second, A. D. 1310,

TO THE

Twenty sixth Year of GEORGE the Third, A. D. 1786 inclusive.

WITH

MARGINAL NOTES, and a Complete INDEX to the Whole.

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THE STATUTES AT LARGE, PASSED IN THE PARLIAMENTS HELD IN IRELAND.

VOL. IX.

CONTAINING

All the STATUTES that have paſſed from the Third Year of GEORGE the Third, to the Seventh Year, inclusive.

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THE

STATUTES

OF THE

PARLIAMENTS

HELD IN

IRELAND.

VOL. II.

All the Statutes that have yet been found from the Third Year of
George the Third, to the Seventh Year, Inclusive.

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A COLLEC-

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COLLECTION

OF

STATUTES.

The Third Year of GEORGE III.

CHAP. I.

A. D. 1763.

An Act for granting and continuing to His Majeſty an additional Duty on Beer, Ale, Strong Waters, Wine, Tobacco, Hides, and other Goods and Merchandizes therein mentioned; and for prohibiting the Importation of all Gold and Silver Lace, except of the Manufacture of Great-Britain.

2 G. 3. 1.

WE your Majeſty's moſt dutiful and loyal ſubjects, the commons of Ireland in Parliament aſſembled, having a juſt ſenſe of your royal care for the proſperity of all your ſubjects, and well knowing that the ſecurity of this your realm, and the continuance of the many bleſſings we enjoy under your mild and auſpicious reign, depend on the ſupport of your Majeſty's government, do moſt humbly beſeech your Majeſty that it may be enacted, and be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſeveral and reſpective additional rates, duties, and impoſitions on all beer, ale, ſtrong waters, wine, ſpirits, tobacco, and other goods and merchandizes, which by an act of Parliament made

A. D. 1763. Chap. 1.

made and paſſed in this kingdom in the ſecond * year of your Majeſty's reign, intituled, *An act for granting and continuing to his Majeſty an additional duty on beer, ale, ſtrong waters, wine, tobacco, hides, and other goods and merchandizes therein mentioned; and for prohibiting the importation of all gold and ſilver lace, except of the manufacture of Great Britain,* were granted and continued unto your Majeſty until the twenty fifth day of December in the year of our Lord one thouſand ſeven hundred and ſixty three inclusive, be further granted, continued, raiſed, collected, levied, and paid, unto your Majeſty, your heirs and ſucceſſors, from the twenty fifth day of December one thouſand ſeven hundred and ſixty three until the twenty fifth day of December one thouſand ſeven hundred and ſixty five inclusive.

II. And be it further enacted by the authority aforeſaid, That all and ſingular the ſaid duties, hereby granted and continued, ſhall be raiſed, levied, collected, and paid unto your Majeſty, your heirs and ſucceſſors, during the term aforeſaid, over and above all other duties payable for the ſame by virtue of an act made in this kingdom in the fourteenth and fifteenth years of the reign of King Charles the ſecond, intituled, *An act for the ſettling the exciſe or new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted:* or by virtue of one other act made in the fourteenth and fifteenth years of the reign of the ſaid King Charles the ſecond, intituled, *An act for ſettling the ſubſidy of poundage, and granting a ſubſidy of tunnage, and other ſums of money unto his royal Majeſty, his heirs and ſucceſſors, the ſame to be paid upon merchandizes imported and exported into or out of the kingdom of Ireland, according to the book of rates hereunto annexed.*

14 & 15 C. 2. 8.

14 & 15 C. 2. 9.

III. Provided always, and be it further enacted by the authority aforeſaid, That if the ſaid wines, ſtrong waters, ſpirits perfectly made, and ſpirits made and diſtilled of wine and brandy, or ſpirits above the quality of ſingle ſpirits, upon which the ſaid additional duties are charged, ſhall after payment thereof, or ſecurity given for the ſame, be again exported by any merchant or merchants, that is or are a ſubject or ſubjects of this realm, or any other of your Majeſty's dominions, within twenty four calendar months, or by merchant ſtrangers within twelve calendar months after the importation thereof, and due proof firſt made by certificate from the proper officer, of the due entry of ſuch wines, ſtrong waters, ſpirits, perfectly made, and ſpirits made and diſtilled of wine, brandy, or ſpirits above the quality of ſingle ſpirits, and of the payment of the ſaid additional duties hereby granted and charged thereon, or ſecurity being given for the ſame, and that all other requiſites have been performed, which are by law required to be performed in caſes where the duties of exciſe are to be repaid by virtue of the before mentioned act, intituled, *An act for the ſettling of the exciſe or new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted;* that then the ſaid additional duties ſhall without any delay or reward be paid or allowed unto ſuch merchant or merchants ſo exporting the ſame within one month after demand thereof, or the ſecurity for the ſaid additional duties by this act charged ſhall be vacated or diſcharged, as to ſo much thereof as ſhall be ſo exported, any thing herein contained to the contrary notwithſtanding.

14 & 15 C. 2. 8.

2 G. 3. 1.

IV. And be it further enacted by the authority aforeſaid, That for a further ſupply to your Majeſty the further additional duty of twenty ſhillings ſterling on every hundred weight of molaſſes, and the further additional duty of twenty ſhillings ſterling on every hundred weight of treacle, which in and by the ſaid act of Parliament made and paſſed in this kingdom in the ſecond year of your Majeſty's reign, were granted and continued unto your Majeſty until the twenty fifth day of December one thouſand ſeven hundred and ſixty three inclusive, be further granted, confirmed, collected, raiſed, levied, and paid unto your Majeſty, your heirs and ſucceſſors, from the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty three until the twenty fifth day of December one thouſand ſeven hundred and ſixty five inclusive.

V. And

* *Computing from the firſt day of this Parliament it will be found that this ought to be the firſt year, which rule the Editor has obſerved throughout this Work.*

V. And be it further enacted by the authority aforeſaid, That for and towards a further ſupply to your Majeſty an additional duty of ſix pence *per* yard for and upon all foreign ſtuffs called romalls, and all manufactures made of cotton, or of cotton and linen mixed, whether plain, painted, or ſtained, which ſhall be imported into this kingdom from any parts beyond the ſeas (except the manufacture of Great Britain) and alſo an additional duty of ſix pence *per* yard over and above the preſent duties for all cambricks (not of the manufacture of Great Britain) which ſhall be imported into this kingdom exceeding a yard wide, and which were by the ſaid act, paſſed in the ſecond year of your Majeſty's reign, granted and continued to your Majeſty from the twenty fifth day of December one thouſand ſeven hundred and ſixty one to the twenty fifth day of December one thouſand ſeven hundred and ſixty three, be further granted and continued to your Majeſty, your heirs and ſucceſſors, to the twenty fifth day of December one thouſand ſeven hundred and ſixty five inclufive.

VI. And be it further enacted by the authority aforeſaid, That a further additional duty of three pence *per* yard upon all cambricks and lawns (not of the manufacture of Great Britain) which ſhall be imported into this kingdom from and after the twenty fifth day of December one thouſand ſeven hundred and ſixty three, and which by the ſaid act made in the ſecond year of your Majeſty's reign were granted and continued until the twenty fifth day of December one thouſand ſeven hundred and ſixty three, be further granted and continued to your Majeſty, your heirs and ſucceſſors, from the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty three to the twenty fifth day of December one thouſand ſeven hundred and ſixty five inclufive, over and above all other duties payable for the ſame.

VII. And be it further enacted by the authority aforeſaid, That a further additional duty of three pence *per* yard upon all cambricks and lawns (not of the manufacture of Great Britain) which ſhall be imported into this kingdom from and after the twenty fifth day of December one thouſand ſeven hundred and ſixty three, and which by the ſaid act made in the ſecond year of your Majeſty's reign were granted and continued until the twenty fifth day of December one thouſand ſeven hundred and ſixty three, be further granted and continued to your Majeſty, your heirs and ſucceſſors, from the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty three to the twenty fifth day of December one thouſand ſeven hundred and ſixty five inclufive, over and above all other duties payable for the ſame.

VIII. And be it further enacted by the authority aforeſaid, That for a further ſupply to your Majeſty an additional duty of ſix pence *per* hide for and upon every raw and untanned hide, which ſhall be exported out of this kingdom to parts beyond the ſeas, (except to Great Britain) and which by the ſaid act made in the ſecond year of your Majeſty's reign, were granted and continued to the twenty fifth day of December one thouſand ſeven hundred and ſixty three, be further granted and continued unto your Majeſty, your heirs and ſucceſſors, from the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty three to the twenty fifth day of December one thouſand ſeven hundred and ſixty five inclufive.

IX. And be it further enacted by the authority aforeſaid, That for a further ſupply to your Majeſty an additional duty of one ſhilling for every rheam of paper (over and above the duties now payable thereon) which by the ſaid act made in the ſecond year of your Majeſty's reign were granted and continued to the twenty fifth day of December one thouſand ſeven hundred and ſixty three upon all paper imported into this kingdom (except of the manufacture of Great Britain) provided ſuch paper exceeds five ſhillings in value *per* rheam, be further granted and continued to your Majeſty from the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty three to the twenty fifth day of December one thouſand ſeven hundred and ſixty five inclufive.

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X. And be it further enacted by the authority aforeſaid, That the additional rates and duties on coffee, tea, chocolate, and cocoa nuts, which were granted and continued to your Majeſty, by the ſaid act in the ſecond year of your Majeſty's reign, and which are thereby further granted and continued to your Majeſty, and all monies ariſing thereby, ſhall be paid to the truſtees, appointed for the management of the hempen and flaxen manufactures of this kingdom, to be by them applied to encourage and ſupport the ſaid manufactures and the trade thereof in this kingdom; and that the ſaid additional duties on raw and untanned hides, and all money ariſing thereby, ſhall be paid to the ſaid truſtees to be by them applied towards encouraging the raiſing of flax-ſeed in this kingdom; and that the ſaid laſt mentioned further additional duty of three pence *per* yard upon all cambricks and lawns, and all money ariſing thereby, ſhall be paid and applied to the uſe of the governor and company for carrying on the cambrick manufacture in Dundalk or elſewhere in this kingdom.

XI. And be it enacted by the authority aforeſaid, That all and every the ſeveral and reſpective additional rates and duties hereby granted or continued ſhall be raiſed, anſwered, collected, and paid unto your Majeſty, your heirs and ſucceſſors, during the term aforeſaid at the ſame time, and in the like manner, and by ſuch ways, means, and methods, and by ſuch rules and directions, and under ſuch penalties and forfeitures, and with ſuch powers as are appointed, directed, and expreſſed in and by the ſaid act made in this kingdom in the fourteenth and fifteenth years of the reign of King Charles the ſecond, intituled, *An act for the ſettling of the exciſe or new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted*, or by any other law now in force relating to the revenue of exciſe in this kingdom, as fully and effectually to all intents and purpoſes, as if the ſame were particularly mentioned, expreſſed, and enacted again in the body of this preſent act, with the like remedy of appeal to and for the party grieved as in and by the ſaid act of exciſe, or any other law or laws now in being, relating to the duties of exciſe, is or are provided.

XII. And be it further enacted by the authority aforeſaid, That the ſix pence *per* pound, and all other fees which ſhall or may be payable to the vice-treaſurer or vice-treaſurers, paymaſter or receiver-general, upon iſſuing any ſum or ſums of money which ſhall or may ariſe out of the aids granted this ſeſſion of Parliament, or upon iſſuing any ſum or ſums of money which ſhall or may be borrowed purſuant to any act of parliament, or vote of credit this ſeſſion of Parliament, ſhall be received by the ſaid vice-treaſurer or vice-treaſurers, receiver, or paymaſter-general, for the uſe of your Majeſty, your heirs and ſucceſſors, during the term aforeſaid, and ſhall be duly accounted for by him or them to your Majeſty, your heirs and ſucceſſors, as a further and additional aid hereby given and granted.

XIII. And be it further enacted by the authority aforeſaid, That the ſeveral ſums herein after mentioned be paid out of the aforeſaid additional duties and aids, granted and continued to your Majeſty by this preſent act, to the perſons herein after mentioned: (that is to ſay) the ſum of two thouſand pounds *per annum* for two years from the twenty fifth day of December one thouſand ſeven hundred and ſixty three to the twenty fifth day of December one thouſand ſeven hundred and ſixty five incluſive, to the truſtees appointed for the management of the hempen and flaxen manufactures of this kingdom, for encouraging and raiſing ſufficient quantities of hemp and flax in this kingdom; and alſo the further ſum of two thouſand pounds *per annum*, for two years from the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty three to the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty five incluſive, to the ſaid truſtees appointed for the management of the hempen and flaxen manufactures of this kingdom, for the encouragement of the ſaid hempen and flaxen manufactures in the provinces of Leinſter, Munſter, and Connaught, freed and diſcharged from the payment of ſix pence *per* pound, and all other fees which ſhall or may be payable to the vice-treaſurer, receiver or pay-maſter general, of this kingdom, clerk of the pells,

or

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or any other officer or officers of this kingdom; the ſum of two thouſand pounds to the right honourable the ſpeaker of the houſe of commons towards defraying his extraordinary expences during this ſeſſion of Parliament; the ſum of five hundred pounds to Agmondiſham and George Veſey eſquires, accomptant general, as a reward for their expence and trouble in preparing and ſtating the publick accounts of the nation laid before the houſe of commons this ſeſſion of Parliament; the ſum of five hundred pounds to Edward Sterling and Henry Alcock eſquires, clerks of the houſe of commons, as a reward for their attendance and ſervice this ſeſſion of Parliament; the ſum of two hundred pounds to Andrew Sterling, clerk aſſiſtant, as a reward for his attendance and ſervice this ſeſſion of Parliament; the ſum of four hundred and twenty ſix pounds thirteen ſhillings and four pence to James Bailie, eſq; ſerjeant at arms, as a reward for his attendance and ſervice this ſeſſion of Parliament; the ſum of three hundred and fifty pounds to Benjamin Higgins and James Browne, the clerks attending the committee of accounts and other committees of the houſe of commons, as a reward for their attendance and ſervice this ſeſſion of Parliament, to be equally divided between them; the ſum of one hundred and twelve pounds to Abraham Bradley, for printing the publick accounts laid before the houſe of commons this ſeſſion of Parliament; the ſum of fifty pounds to Hulton Bradley, as a reward for his trouble and attendance in delivering the votes to the members of the houſe of commons this ſeſſion of Parliament; the ſum of eighty pounds to James Savage and Thomas Gilmore, door-keepers of the houſe of commons, as a reward for their attendance and ſervice this ſeſſion of Parliament, to be equally divided between them; the ſum of one hundred and fifty pounds to the right honourable the ſpeaker of the houſe of commons to be by him divided amongſt the backdoor keepers and meſſengers attending the houſe of commons, being thirteen in number, in ſuch manner as he ſhall direct; the ſum of four hundred pounds to John Wetherel as a reward for his induſtry and expence in preparing and framing the new intended book of rates; the ſum of two thouſand five hundred pounds to the corporation for promoting and carrying on an inland navigation in Ireland, towards making the river Shannon navigable from the city and port of Limerick to the town of Gillaloe, to be by them accounted for to Parliament; the ſum of one thouſand five hundred pounds to the corporation for promoting and carrying on an inland navigation in Ireland to be by them applied towards making the river Barrow navigable from the tide water at St. Mullins to the town of Monaſtereven in the county of Kildare, to be accounted for to Parliament; the ſum of one thouſand five hundred pounds to the corporation for promoting and carrying on an inland navigation in Ireland towards making the river Nore navigable from the city of Kilkenny to the town of Iniſteague in the county of Kilkenny, to be by them accounted for to Parliament; the ſum of one thouſand five hundred pounds to John Smith eſquire, mayor, Francis Rowland and William Coles eſquire, ſheriffs of the city of Cork, Mr. James Morriſon, Mr. William Fitton, alderman Bradſhaw, Meſſrs. George and James Piercy, Meſſrs. James and Paul Benſon, Meſſrs. Joſeph Devonſhire and Thomas Strettle, Mr. Chriſtopher Carleton, Mr. Hugh Lawton, Mr. Francis Carleton, Mr. Stephen Durrock, Mr. Peter Cambridge, Mr. John Digby, and Mr. Francis Gray, merchants, and James Harnet eſquire, or any five of them, for clearing and improving the channel of Cork harbour from the cuſtom-houſe quay to the place called Black Rock, to be accounted for to Parliament; the ſum of one thouſand five hundred pounds to Thomas Eyre eſquire, and George Hamilton eſquire, the truſtees appointed for the erecting a new pier at Balbriggan, to reimburſe them the money they have advanced in the execution of the ſaid work, and towards finiſhing the ſame agreeable to a plan laid before the houſe, for which they are to be accountable for to Parliament; the ſum of two thouſand pounds to the corporation for promoting and carrying on an inland navigation in Ireland towards making the river Lagan navigable, and opening a paſſage by water from Loughneagh to the town of Belfaſt, to be accounted for to

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Parliament; the ſum of four thouſand pounds to the corporation for promoting and carrying on an inland navigation in Ireland towards making and compleating a navigation for ſhips of one hundred tuns burthen from Fathom Point near Newry to Drumglaſs colliery in the county of Tyrone, to be accounted for to Parliament; the ſum of one thouſand pounds to the governors of Saint Patrick's hoſpital towards enabling them to receive and maintain a great number of patients; the ſum of one thouſand pounds to Thomas Eyre, Anthony Green, and George Martin, or any two of them, for carrying on the pier at Dunlary, to be accounted for to Parliament; the ſum of one thouſand pounds to the corporation for promoting and carrying on an inland navigation in Ireland, to be by them applied towards making and finiſhing a harbour at Wicklow, to be accounted for to Parliament; the ſum of four thouſand pounds to the lord mayor, ſheriffs, commons, and citizens of the city of Dublin, towards enabling them to carry on the ballaſt-office-wall, to be accounted for to Parliament; the ſum of one thouſand pounds to the miniſter and church wardens of the pariſh of Saint John, Dublin, to be applied by them towards rebuilding the church in the ſaid pariſh on account of the inability of the pariſhioners of the ſaid pariſh to rebuild the ſame, and to be by them acccounted for to Parliament; the ſum of one thouſand pounds to William Colvil, Samuel Civil, and Arthur Bryan, to aſſiſt them in leſſening the great expence they have been at in compleating a dry dock in the city of Dublin; the ſum of ſix thouſand ſeven hundred and ninety eight pounds twelve ſhillings and nine pence to Abraham Bradley, the coſt due for printing and binding the ſecond edition of the Journals of the houſe of commons in eleven volumes, and an alphabetical abridgement of the ſame for the uſe of the members; the ſum of one hundred and fifty two pounds to Timothy Dyton, printer of the Dublin Gazette, to reimburſe him the money he was out of pocket by inſerting in this Gazette the names of the inſolvent debtors in the ſeveral gaols of this kingdom in purſuance of the act of Parliament made in that caſe; the ſum of one thouſand pounds to the governors and guardians of the hoſpital for the relief of poor lying-in-women in Dublin to enable them to extend and improve that uſeful charity; the ſum of five hundred pounds to Jane Moſſe, widow, for the uſe of herſelf and the children of the late doctor Moſſe; the ſum of twelve thouſand pounds to the Incorporated Society for promoting Engliſh proteſtant ſchools in this kingdom, to be by them accounted for to Parliament; the ſum of ſix thouſand pounds to the corporation for promoting and carrying on an inland navigation in Ireland, to be by them applied in carrying on the grand canal from the city of Dublin through the bog of Allen to the river Shannon, and to be by them accounted for to Parliament; the ſum of one thouſand pounds to the right honourable Nathaniel Clements eſquire; ſir Ralph Gore baronet, and William Burton eſquire, as truſtees to enable Thomas and Andrew Neſbit, Paul and James Benſon merchants, and Acheſon Irwin eſquire, to erect ware-houſes and boylers, and for providing materials to extend and carry on the whale fiſhery on the north weſt coaſt of this kingdom, to be by them accounted for to Parliament; the ſum of one thouſand pounds to the vicar and church-wardens of the pariſh of Saint Catherine, Dublin, to be applied by them towards finiſhing the church in the ſaid pariſh, to be accounted for to Parliament; the ſum of eight thouſand pounds to the corporation for promoting and carrying on an inland navigation in Ireland to enable them to rebuild John's Bridge and Green's Bridge in the city of Kilkenny, and Bennet's Bridge, Thomas Town Bridge, and Caſtlecomer Bridge, in the county of Kilkenny, and to repair the bridge of Enniſteague in ſaid county of Kilkenny, to be by them accounted for to Parliament; the ſum of eight hundred pounds to Henry Cottingham and James King to reimburſe them for the loſſes by them ſuſtained by the tumultuous proceedings of the late mobs; the ſum of three hundred and forty pounds to Richard Levinge, Thomas Kingſbury, and Robert Mears eſquire, Henry Darley and Edward Croker gentlemen, for widening the paſſage from Angleſea-ſtreet to College-green, to be accounted for to Parliament; the ſum of three thouſand ſeven hundred and ſeventy one pounds to the governors

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of the work-houſe to diſcharge the debt contracted by them for the ſupport of foundling and deſerted children; the ſum of three thouſand pounds to Hugh Boyd eſquire, to reimburſe him in ſo much expended by him in repairing and making a harbour at Ballycaſtle with piers of hewn ſtone on his giving ſecurity by recognizance before the chief baron, or one other of the barons of his Majeſty's courts of Exchequer in Ireland, that he will keep the ſaid harbour in repair for the term of twenty one years at his own expence; the ſum of two thouſand pounds to the Dublin Society to enable them in a more ample manner to promote and encourage agriculture, arts, and manufactures, by premiums and bounties; the ſum of eight thouſand pounds to the Dublin Society, to be applied by them for the encouragement of ſuch trades and manufactures, and in ſuch manner, and ſubject to ſuch regulations, as ſhall be directed by Parliament; the ſum of five thouſand pounds to the commiſſioners appointed by act of Parliament for making a wide and convenient way, ſtreet, and paſſage from Eſſex-bridge to the caſtle of Dublin, towards paying ſeveral perſons from whom the grounds and houſes neceſſary for compleating the ſtreet leading from Eſſex-bridge to the caſtle of Dublin were purchaſed, and alſo towards defraying the expences of carrying the ſaid act into execution the ſum of one thouſand pounds to the ſaid commiſſioners appointed by act of Parliament for making a wide and convenient way, ſtreet, and paſſage from Eſſex-bridge to the Caſtle of Dublin, towards widening the paſſage leading from the Inn's-quay to Arran-quay at the north end of the Old-bridge, Dublin, to be accounted for to Parliament.

XIV. And be it further enacted by the authority aforeſaid, That no gold or ſilver lace, whatſoever, (except of the manufacture of Great Britain) ſhall from and after the twenty fifth day of December, one thouſand ſeven hundred and ſixty three be imported into this kingdom in any ſhip or veſſel whatſoever, under the penalty of the forfeiture of all ſuch lace, and treble the value thereof, and the ſhip or veſſel in which the ſame ſhall be imported, with all her guns, tackle, furniture, ammunition, and apparel; one moiety of which forfeitures ſhall be and remain to your Majeſty, your heirs and ſucceſſors, and the other moiety to him or them who ſhall ſeize and ſue for the ſame by action, bill, plaint, or information, in the court of exchequer, wherein no wager of law, protection, eſſoign, or other dilatory plea, ſhall be allowed.

CHAP. II.

An Act for granting to His Majeſty the ſeveral Duties, Rates, and Impoſitions, therein expreſſed, to be applied to pay an Intereſt at the Rate of Four Pounds per Centum per Annum *for Part of the Sums therein provided for, and an Intereſt at the Rate of Five Pounds* per Centum per Annum *for the Reſidue of the Sums therein alſo provided for, and towards the Diſcharge of the ſaid Principal Sums.*

WHEREAS by an act of Parliament made and paſſed in the ſecond year of your Majeſty's reign, entitled, *An act for granting to his Majeſty the ſeveral duties, rates, and impoſitions, therein expreſſed, to be applied to pay an intereſt at the rate of five pounds* per cent. per annum *for the ſeveral ſums therein provided for, and towards the diſcharge of the ſaid principal ſums*, ſeveral aids and additional duties were granted to your Majeſty from the twenty fifth day of March one thouſand ſeven hundred and ſixty two until the twenty fifth day of December one thouſand ſeven hundred and ſixty three incluſive, and no longer, to pay

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an intereſt at the rate of five pounds *per centum per annum* for the ſum of three hundred and fifty thouſand pounds, in the ſaid recited act particularly mentioned, and alſo the like intereſt for ſuch further ſum or ſums of money, not exceeding in the whole the ſum of four hundred thouſand pounds, as ſhall be actually paid into your Majeſty's treaſury at the inſtance of his excellency the lord lieutenant, or other chief governor or governors of this kingdom for the time being, to ſupply ſuch deficiencies as might ariſe in the aids granted in the ſaid ſeſſion of Parliament for the ſupport of your Majeſty's civil and military eſtabliſhments, and other neceſſary expences of government, and towards the diſcharge of ſuch principal ſum and ſums as had been borrowed, and of ſuch ſum and ſums as ſhould be borrowed for the purpoſe aforeſaid: and whereas in purſuance of the ſaid act of Parliament debentures or receipts have been iſſued out of your Majeſty's treaſury for the ſum of ſix hundred and fifty thouſand pounds; and the ſum of five hundred and fifty thouſand pounds part thereof does now bear an intereſt at the rate of five pounds *per centum per annum*; and the ſum of one hundred thouſand pounds, the reſidue of the ſaid ſum of ſix hundred and fifty thouſand pounds, which was paid into your Majeſty's treaſury on the twenty fifth day of March one thouſand ſeven hundred and ſixty three, is to carry the like intereſt from the twenty fifth day of March, one thouſand ſeven hundred and ſixty four: and whereas the ſeveral aids and duties, granted to your Majeſty in and by the ſaid recited act, have not proved ſufficient to pay and diſcharge the ſaid principal ſums of five hundred and fifty thouſand pounds and one hundred thouſand pounds, and the intereſt thereof, but the whole or the greateſt part of the ſaid principal ſums will remain unpaid and unſatisfied on the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty three; we therefore your majeſty's moſt dutiful and loyal ſubjects, the commons of Ireland in Parliament aſſembled, do moſt humbly beſeech your Majeſty, that it may be enacted, and be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That for the ſaid ſum of five hundred and fifty thouſand pounds, or ſuch part thereof as ſhall remain unpaid on the twenty fifth day of December, one thouſand ſeven hundred and ſixty three, there ſhall be paid at the receipt of your Majeſty's exchequer by the hands of the vice-treaſurer or paymaſter-general, vice-treaſurers or paymaſters general, his or their deputy or deputies, at the end of every ſix kalendar months from the ſaid twenty fifth day of December, one thouſand ſeven hundred and ſixty three to the perſon or perſons, who have paid or lent the ſaid ſum of five hundred and fifty thouſand pounds, his, her, or their executors, adminiſtrators, or aſſigns, an intereſt according to the rates herein after mentioned: (that is to ſay) for the ſum of three hundred and fifty thouſand pounds, part of the ſaid ſum of five hundred and fifty thouſand pounds, an intereſt according to the rate of four pounds *per centum per annum* from the ſaid twenty fifth day of December, one thouſand ſeven hundred and ſixty three; and for the ſum of two hundred thouſand pounds, part alſo of the ſaid ſum of five hundred and fifty thouſand pounds, an intereſt according to the rate of five pounds *per centum per annum* from the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty three; and for the ſaid ſum of one hundred thouſand pounds, the reſidue of the ſaid ſum of ſix hundred and fifty thouſand pounds, which was paid into your Majeſty's treaſury on the twenty fifth day of March, one thouſand ſeven hundred and ſixty three, an intereſt at the rate of five pounds *per centum per annum* to commence from the twenty fifth day of March, one thouſand ſeven hundred and ſixty four, without any fee or charge, and free from all deductions, defalcations, and abatements whatſoever, from and after the ſaid twenty fifth day of December, one thouſand ſeven hundred and ſixty three and twenty fifth day of March, one thouſand ſeven hundred and ſixty four reſpectively, until ſuch time as they ſhall be reſpectively paid their principal money at one entire payment.

II. And be it further enacted by the authority aforeſaid, That for the aſcertaining which of the debentures or receipts, iſſued for the ſaid ſum of five hundred and fifty thouſand pounds, part of the ſaid ſum of ſix hundred and fifty thouſand pounds, which ſhall remain unpaid on the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty three, ſhall be reduced to an intereſt according to the rate of four pounds *per centum per annum*, the vice-treaſurer or vice-treaſurers, his or their deputy or deputies, ſhall on or before the firſt day of March one thouſand ſeven hundred and ſixty four cauſe the numbers of all the ſaid receipts or debentures, amounting to the ſaid ſum of five hundred and fifty thouſand pounds, which was paid into your Majeſty's treaſury before the ſaid twenty fifth day of March one thouſand ſeven hundred and ſixty three, and which ſhall remain unſatisfied on the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty three, and the ſums therein reſpectively contained, to be written on ſeveral tickets or pieces of parchment, and to be rolled and ſewed up and put into a box or urn, and well mixed together; and an indifferent perſon ſhall publickly between the hours of nine in the forenoon and four in the afternoon of a day, to be by the ſaid vice-treaſurer or vice-treaſurers, his or their deputy or deputies, publickly advertized in the Dublin Gazette for that purpoſe at leaſt twenty days before, at the office of the vice-treaſurer or vice-treaſurers in the caſtle of Dublin draw out of ſuch box or urn as many of the ſaid tickets or pieces of parchment, as the ſums therein contained ſhall amount to the ſum of two hundred thouſand pounds; and the perſon or perſons, the number of whoſe debenture or receipt ſhall be ſo drawn, his, her, or their executors, adminiſtrators, or aſſigns, ſhall be paid from the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty three an intereſt according to the rate of five pounds *per centum per annum* for their ſaid reſpective principal ſums, which ſhall be ſo drawn, until ſuch time as they ſhall be reſpectively paid their principal money at one entire payment; and that the perſon or perſons, who ſhall be intitled to ſuch of the ſaid debentures or receipts, as ſhall remain undrawn, ſhall be paid from the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty three an intereſt according to the rate of four pounds *per centum per annum* for their ſaid ſeveral principal ſums, which ſhall be ſo undrawn, until ſuch time as they ſhall be reſpectively paid their principal money at one entire payment.

III. And be it further enacted by the authority aforeſaid, That each and every perſon, intitled to any part of the ſaid ſum of three hundred and fifty thouſand pounds, which ſhall remain undrawn as aforeſaid, ſhall deliver or cauſe to be delivered to the vice treaſurer or vice-treaſurers, his or their deputy or deputies, all the receipts or debentures, whereby ſuch perſon or perſons reſpectively is or are intitled to any part of the ſaid ſum of three hundred and fifty thouſand pounds; which ſaid debenture and debentures, receipt and receipts, the ſaid vice-treaſurer or vice-treaſurers, his or their deputy or deputies, is and are hereby impowered and required to receive and cancel, and to make out and deliver new debentures or receipts to ſuch perſon or perſons reſpectively, their executors, adminiſtrators, and aſſigns, who ſhall deliver or cauſe to be delivered ſuch former debentures or receipts, for the ſums contained in ſuch former debentures or recipts, with intereſt for the ſame according to the rate of four pounds *per centum per annum*: and that the ſaid debentures or receipts, to be delivered out in lieu of thoſe which are to be cancelled as aforeſaid, together with the debentures or receipts which are to be iſſued for the ſum or ſums of money, which ſhall be advanced and lent purſuant to this act, ſhall be numbered one, two, three, and ſo onwards in arithmetical progreſſion, where the common exceſs or difference is to be one, until the whole ſhall be numbred in manner as aforeſaid.

IV. And be it further enacted by the authority aforeſaid, That if any perſon or perſons, who ſhall be intitled to any part of the ſaid ſum of five hundred and fifty thouſand pounds, which ſhall remain unpaid on the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty three, ſhall not be willing to continue their ſaid principal ſums at the intereſt of five pounds *per centum per annum*

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and four pounds *per centum per annum* reſpectively as aforeſaid, then and in that caſe the perſon or perſons, his, her, or their executors, adminiſtrators, or aſſigns, who ſhall not be willing to continue their ſaid principal ſums at the ſaid reſpective rates of four pounds and five pounds *per cent. per annum*, ſhall upon application to the vice-treaſurer or vice-treaſurers, his or their deputy or deputies, at any time before the firſt day of February one thouſand ſeven hundred and ſixty four, and upon the aſſignment of their unſatisfied debentures or receipts to the vice-treaſurer or vice-treaſurers, his or their deputy or deputies, be paid the principal ſum or ſums due to them reſpectively on the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty three, and all intereſt due thereon at the time of ſuch payment; and the ſaid vice-treaſurer or vice-treaſurers, his or their deputy or deputies, ſhall and may aſſign ſuch receipts or debentures to ſuch perſon or perſons, who ſhall advance the principal money, and the intereſt due on account thereof at the time of ſuch aſſignment; which receipt or debenture ſo to be aſſigned by the ſaid vice-treaſurer or vice-treaſurers, his or their deputy or deputies, ſhall intitle the aſſignee thereof to the principal money due thereon, and to all intereſt due for the ſame, from the twenty fifth day of December one thouſand ſeven hundred and ſixty three according to the reſpective rates of intereſt before mentioned.

V. And whereas it may be neceſſary, that a further ſum or ſums of money ſhould be borrowed to ſupply ſuch deficiencies, as may ariſe in the aids granted this ſeſſion of Parliament for the ſupport of your Majeſty's government, and for payment of the ſeveral ſums granted this ſeſſion for carrying on publick works of this kingdom: be it further enacted by the authority aforeſaid, That for all and every ſuch further ſum and ſums of money, not exceeding in the whole the ſum of one hundred thouſand pounds, as ſhall be actually paid by any perſon or perſons into your Majeſty's treaſury at the inſtance of his excellency the lord lieutenant, or other chief governor or governors of this kingdom for the time being, to ſupply ſuch deficiencies as ſhall or may ariſe in the aids granted this ſeſſion of Parliament for the ſupport of your Majeſty's government, and for payment of the ſeveral ſums granted in this ſeſſion for carrying on publick works in this kingdom, there ſhall be paid at the receipt of your Majeſty's exchequer by the hands of the vice-treaſurer or paymaſter-general, vice-treaſurers or paymaſters-general, his or their deputy or deputies, at the end of every ſix kalendar months, to be computed from the reſpective times of ſuch payments, to the perſon or perſons ſo paying or lending the ſame, his, her, or their executors, adminiſtrators, or aſſigns, an intereſt according to the rate of four pounds *per centum per annum* without any fee or charge, and free from all deductions, defalcations, and abatements whatſoever, until ſuch time as they ſhall be reſpectively paid their principal money at one entire payment.

VI. And be it further enacted by the authority aforeſaid, That ſuch like debentures or receipts ſhall be given by the officers of your Majeſty's treaſury for all and every ſum and ſums of money, to be paid into the receipt of your Majeſty's exchequer on account of the ſaid intended loan, not exceeding the ſum of one hundred thouſand pounds, as were given or ſhall be given in purſuance of this act for the ſeveral ſums advanced on account of the ſaid ſum of five hundred and fifty thouſand pounds and one hundred thouſand pounds herein before mentioned, and to be numbered as aforeſaid in an arithmetical progreſſion.

VII. And be it further enacted by the authority aforeſaid, That all and every perſon or perſons, to whom debentures or receipts have been given for the ſaid ſum of five hundred and fifty thouſand pounds and the ſaid ſum of one hundred thouſand pounds, paid into your Majeſty's treaſury on the twenty fifth day of March one thouſand ſeven hundred and ſixty three, or any part thereof, and that all and every perſon or perſons, to whom debentures or receipts ſhall be given purſuant to this act, his, her, or their executors, adminiſtrators, or aſſigns, may by indorſements on ſuch debentures or receipts transfer the right and benefit

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of the ſum due upon ſuch debentures or receipts; which indorſements upon notice to the vice-treaſurer or vice-treaſurers, his or their deputy or deputies, and an entry or memorial thereof made in the ſaid vice-treaſurer's office (which the ſaid vice-treaſurer or vice-treaſurers, his or their deputy or deputies, ſhall upon requeſt without charge, fee, or reward, make accordingly, and ſhall on requeſt permit the ſame to be viewed at uſual office-hours without fee or reward) ſhall intitle the indorſee or aſſignee his or her executors, adminiſtrators, and aſſigns, to the ſole benefit of the ſum ſo transferred or aſſigned; and that the ſaid debenture or receipt may in like manner be aſſigned or transferred by ſuch aſſignee, his, or her executors, adminiſtrators, or aſſigns, and ſo *toties quoties*; and that after ſuch aſſignment it ſhall not be in the power of the perſon or perſons, who made ſuch aſſignment, to make void, releaſe, or diſcharge the ſaid aſſignment, or to diſcharge or receive the ſum thereby transferred or aſſigned, or any part thereof.

VIII. And to the end and intent that the intereſt of ſuch part of the ſaid ſum of five hundred and fifty thouſand pounds and the ſum of one hundred thouſand pounds, which was paid into your Majeſty's treaſury on the twenty fifth day of March one thouſand ſeven hundred and ſixty three, as ſhall remain unpaid on the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty three, and alſo the intereſt of the ſaid ſum not exceeding the ſum of one hundred thouſand pounds, or ſo much thereof as ſhall be raiſed in purſuance of this act, may be duly and regularly paid half-yearly according to the rates herein before mentioned, and according to the true intent and meaning of this act; be it further enacted by the authority aforeſaid, That from and after the twenty fifth day of December, which ſhall be in this preſent year of our Lord one thouſand ſeven hundred and ſixty three, there ſhall be throughout your Majeſty's kingdom of Ireland raiſed, levied, granted, collected, and paid to your Majeſty, your heirs and ſucceſſors, until the twenty fifth day of December one thouſand ſeven hundred and ſixty five incluſive, and no longer, over and above all other rates and duties payable by virtue of any act of Parliament now in force in this kingdom, and over and above the ſeveral additional duties granted and continued to your Majeſty this preſent ſeſſion of Parliament by an act, intituled, *An act for granting and continuing to his Majeſty an additional duty on beer, ale, ſtrong waters, wine, tobacco, and other goods and merchandizes therein mentioned, and for prohibiting the importation of all gold and ſilver lace, except of the manufacture of Great-Britain*, the ſeveral further new additional rates and duties herein after mentioned: (that is to ſay) a further additional duty of ſix pounds *per* tun for and upon all ſorts of wine of the growth of France, or Spain, and three pounds *per* tun for and upon all ſorts of wine of the growth of Portugal, and of five pounds *per* tun for and upon all other wines that ſhall be imported into this kingdom from and after the twenty fifth day of December one thouſand ſeven hundred and ſixty three; and alſo an additional duty of four pounds ſterling *per* pound weight for and upon all velvets and manufactures made of or mixed with ſilk (except thoſe of Great Britain, China, Perſia, or the Eaſt Indies) that ſhall be imported into this kingdom from and after the twenty fifth day of December one thouſand ſeven hundred and ſixty three; an additional duty of one half-penny *per* pound weight for and upon all hops, that ſhall be imported into this kingdom from and after the twenty fifth day of December one thouſand ſeven hundred and ſixty three; an additional duty of five pounds *per centum* for and upon all china, earthen, japanned, or lacquered ware, as valued or rated for cuſtom by the book of rates, that ſhall be imported into this kingdom from and after the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty three; an additional duty of thirty ſhillings *per* tun for and upon all ſorts of vinegar that ſhall be imported into this kingdom from and after the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty three; a further additional duty of two pence *per* gallon for and upon every gallon of Aquavitæ, ſtrong waters, and ſpirits that ſhall be made and diſtilled within this kingdom for ſale, to be paid by the firſt maker or diſtiller

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ſtiller thereof, from and after the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty three; a further additional duty of two pence *per* pound for and upon all coffee that ſhall be imported into this kingdom from and after the twenty fifth day of December one thouſand ſeven hundred and ſixty three; a duty of ten ſhillings *per annum*, to be paid by every perſon that doth or ſhall ſell or tap out by retail any cyder at any time between the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty three and the twenty fifth day of December one thouſand ſeven hundred and ſixty five inclusive; a duty of one penny *per* gallon for and upon all cyder that ſhall be ſold or tapped out by retail, to be paid by the perſon who ſhall ſell or tap out the ſame by retail, from and after the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty three; an additional duty of twenty ſhillings to be paid by every perſon for every coach, chariot, berlin, calaſh, or chaiſe with four wheels, which ſuch perſon ſhall keep in his or her poſſeſſion, (except hackney or ſtage coaches, and coaches kept by coach makers for ſale) at any time between the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty three and the twenty fifth day of December one thouſand ſeven hundred and ſixty four inclusive; an additional duty of twenty ſhillings to be paid by every perſon for every coach, chariot, berlin, calaſh, or chaiſe with four wheels, which ſuch perſon ſhall keep in his or her poſſeſſion, (except as aforeſaid) at any time between the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty four and the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty five inclu ſive; an additional duty of two ſhillings *per* tun for and upon every tun of ſoap-boyler's waſte, and ſo in proportion for a greater or leſſer quantity, that ſhall be exported out of this kingdom to parts beyond the ſeas from and after the twenty fifth day of December one thouſand ſeven hundred and ſixty three; an additional duty of three pounds *per* tun for and upon every tun of linen rags, and ſo in proportion for a greater or leſſer quantity, that ſhall be exported out of this kingdom to parts beyond the ſeas from and after the twenty fifth day of December one thouſand ſeven hundred and ſixty three.

IX. And be it further enacted by the authority aforeſaid, That if the ſaid wines and other merchandizes herein before mentioned, upon which the ſaid additional duties are hereby charged upon the importation thereof, ſhall be again exported by any merchant or merchants, that is or are a ſubject or ſubjects of this realm, or any other his Majeſty's dominions, within twenty four, kalendar months, or by merchants ſtrangers within twelve kalendar months, after the importation thereof, and that due proof be firſt made by certificate from the proper officers of the due entry and payment of the ſaid additional duties hereby granted, and that all other requiſites ſhall be performed, which are by law required to be performed in thoſe caſes, where the duties of exciſe are to be repaid, that then the ſaid additional duties hereby impoſed ſhall without any delay or reward be repaid or allowed unto ſuch merchant or merchants, ſo exporting the ſame, within one month after demand thereof, or the ſecurity for the ſaid additional duties by this act charged ſhall be vacated, as to ſo much as ſhall be ſo exported; any thing herein contained to the contrary notwithſtanding.

X. And be it further enacted by the authority aforeſaid, That from and after the twenty fifth day of December one thouſand ſeven hundred and ſixty three no perſon or perſons whatſoever ſhall ſell or tap out by retail any cyder within this kingdom, but only ſuch as ſhall be licenſed according to the directions of this act, under ſuch penalty as herein after is expreſſed.

XI. And be it further enacted by the authority aforeſaid, That from and after the twenty fifth day of December one thouſand ſeven hundred and ſixty three it ſhall and may be lawful to and for the chief commiſſioners of his Majeſty's exciſe, or any three of them, and the collector of his Majeſty's exciſe in their ſeveral and reſpective diſtricts, from time to time to iſſue and grant ſuch licences for the ſelling and tapping out cyder by retail; and that for every ſuch

licence ſo to be granted the ſum of one ſhilling and one penny, and no more, ſhall be paid or demanded as a fee for the ſame; and if any perſon or perſons ſhall from and after the twenty fifth day of December one thouſand ſeven hundred and ſixty three ſell or tap out cyder by retail without ſuch licence as aforeſaid, every ſuch perſon ſo offending ſhall, for every time he or ſhe ſhall ſo offend, forfeit and pay the ſum of five pounds.

XII. And be it further enacted by the authority aforeſaid, That for the better ordering and collecting the ſaid duty of one penny *per* gallon for and upon all cyder that ſhall be ſo ſold or tapped out by retail, it ſhall and may be lawful to and for the gauger or gaugers and officers of exciſe within their reſpective diſtricts from time to time from and after the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty three to enter in the day time into the houſes, out-houſes, ſtore-houſes, and cellars of every retailer or retailers of cyder, and to take an account of all ſuch cyder as ſhall be found in the poſſeſſion of ſuch retailer or retailers of cyder, and to charge ſuch retailer or retailers with the ſaid duty of one penny *per* gallon accordingly.

XIII. And be it further enacted by the authority aforeſaid, That from and after the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty three every retailer of cyder ſhall ſhew to the gauger or officers of exciſe on demand all his or her ſtock of cyder then on hand; and in caſe any ſuch retailer or retailers of cyder, or his, her, or their ſervant or ſervants, in caſe ſuch retailer or retailers ſhall not be preſent, when the gauger or officers of exciſe ſhall come to ſuch retailer's houſe to take ſtock as aforeſaid, ſhall refuſe to make declaration and ſhew all his or her ſtock of cyder then on hand, every ſuch retailer ſhall for every ſuch offence forfeit and loſe the ſum of ten pounds; and if ſuch gauger or officers of exciſe ſhall after declaration made as aforeſaid find any cyder in the poſſeſſion or cuſtody of ſuch retailer or retailers over and above the quantity ſo ſhewn and declared, ſuch retailer ſhall likewiſe forfeit and loſe the ſum of ten pounds.

XIV. And be it further enacted by the authority aforeſaid, That for the better collecting the ſaid duty chargeable on every perſon who ſhall keep any carriages with four wheels (except as before excepted) every perſon, who from and after the twenty fifth day of December one thouſand ſeven hundred and ſixty three ſhall have or keep any coach, chariot, berlin, calaſh, or chaiſe with four wheels, ſhall within three kalendar months after the ſaid twenty fifth day of December, or within three kalendar months after he or ſhe ſhall have or keep any ſuch coach, chariot, berlin, calaſh, or chaiſe with four wheels, by writing under his or her hand certify to the collector of the diſtrict, where he or ſhe ſhall reſide or dwell, a true account of every ſuch coach, chariot, berlin, calaſh, and chaiſe with four wheels, which he or ſhe ſhall have or keep (except hackney or ſtage coaches and coaches kept by coach-makers for ſale) with the name of the place and pariſh of his or her uſual reſidence or abode; which ſaid certificate ſhall be kept by the reſpective collectors of the ſeveral diſtricts in this kingdom, now or hereafter to be appointed by the commiſſioners of his Majeſty's revenue in this kingdom, or any three or more of them, and ſhall be alſo entered in a book to be by them reſpectively kept for that purpoſe; and a number ſhall be entered on each certificate regiſtered; and that the ſaid collectors reſpectively ſhall under their hands on or before the twenty fifth day of December in every year give a true liſt of all coaches, chariots, berlins, calaſhes, and chaiſes with four wheels, from time to time returned to them reſpectively in ſuch certificates, with the names of the perſons and places of their abode reſpectively mentioned in ſuch reſpective certificates to the perſon, who for the time being ſhall be appointed by the commiſſioners of his Majeſty's revenue of exciſe, or any three of them, to collect and receive the ſaid duties; and that ſuch perſon and perſons, as ſhall be appointed by the ſaid commiſſioners of exciſe, or any three of them, to collect the ſaid duties on coaches, chariots, berlins, calaſhes, and chaiſes with four wheels, ſhall have full power and authority to collect and re-

ceive the ſame, and ſhall reſpectively ſign and deliver acquittances without fee or reward for the ſame, and ſhall keep duplicates thereof in a book to be kept for that purpoſe, in the ſame manner as acquittances are given and kept for the duty of fire hearths, and ſhall reſpectively return the book containing the duplicates of ſuch acquittances to ſuch perſon and perſons, and at the ſame times, and to be diſpoſed of in the ſame manner, as books containing the duplicates of acquittances for the ſaid duty on fire hearths are returned.

XV. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall have or keep any coach, chariot, berlin, calaſh, or chaiſe with four wheels, chargeable with the ſaid duty by virtue of this act, which ſhall not be certified in manner as aforeſaid, then and in ſuch caſe every ſuch perſon and perſons ſo having or keeping ſuch coach, chariot, berlin, calaſh, or chaiſe with four wheels, not certified as aforeſaid, ſhall for ſuch neglect forfeit the ſum of five pounds: provided nevertheleſs, that every perſon (except as before excepted) having in his or her keeping or poſſeſſion any coach, chariot, berlin, calaſh, or chaiſe with four wheels, belonging to another, ſhall be charged for every ſuch coach, chariot, berlin, calaſh, or chaiſe with four wheels, with the ſaid duty impoſed by this act, in the ſame manner as the owner or proprietor thereof is or ought to be charged or chargeable for the ſame by this act.

XVI. And be it further enacted by the authority aforeſaid, That the perſon or perſons, who for the time being ſhall be authorized and impowered to collect and levy the ſaid duty on coaches, chariots, berlins, calaſhes, and chaiſes with four wheels, ſhall pay the ſame to the ſaid collectors of the ſeveral diſtricts, where the ſaid duties ſhall be collected and raiſed; and that the ſaid collectors ſhall keep ſeparate and diſtinct accounts thereof,, and pay the ſame into your Majeſty's treaſury as other money received by them for the uſe of your Majeſty.

XVII. And be it further enacted by the authority aforeſaid, That all and every the ſeveral and reſpective additional and other duties hereby granted ſhall be raiſed, anſwered, collected, and paid unto your Majeſty, your heirs, and ſucceſſors, during the term aforeſaid at the ſame time, and in like manner, and by ſuch ways, means, and methods, and by ſuch rules and directions, and under ſuch penalties and forfeitures, (except wherein it is by this preſent act otherwiſe directed) and with ſuch powers, as are appointed, directed, and expreſſed in and by an act made in act kingdom in the fourteenth and fifteenth years of the reign of King Charles the ſecond, intituled, *An act for the ſetling of the exciſe or new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted,* or by any other law now in force relative to the revenue of exciſe in this kingdom, as fully and effectually to all intents and purpoſes as if the ſame were particularly mentioned, ſpecified, and enacted again in the body of this preſent act, with like remedy of appeal to and for the party grieved as in and by the ſaid acts of exciſe, or any other law or laws now in being relating to the duties of exciſe is provided.

XVIII. And be it further enacted by the authority aforeſaid, That neither the ſix pence *per* pound nor any other fee ſhall be payable to, or be deducted or received by, the vice-treaſurer or vice-treaſurers, receiver, or paymaſter general, clerk of the pells, or any other officer or officers of this kingdom, for or on account of the iſſuing or payment of any ſum or ſums of money ariſing by, or which ſhall be received for, or on account of, the aid hereby granted to your Majeſty, or for or on account of any other aid granted or to be granted to your Majeſty during this ſeſſion of Parliament, or of any payment to be made in purſuance of this act.

XIX. And be it further enacted by the authority aforeſaid, That the ſeveral duties and aids, hereby granted unto your Majeſty, ſhall in the firſt place be applied and paid by the vice treaſurer or vice-treaſurers, his or their deputy or deputies, to the diſcharge of the intereſt of the ſaid ſum of five hundred and fifty thouſand pounds, or ſuch part thereof as ſhall remain unpaid on the ſaid twenty fifth day of December in the year of our Lord one thouſand ſeven hundred and ſixty three, and alſo to the diſcharge of the intereſt of the ſaid ſum of one hundred thouſand

pounds

pounds, which ſhall incur or grow due from and after the twenty fifth day of March one thouſand ſeven hundred and ſixty four; and alſo to the diſcharge of the intereſt of a ſum not exceeding the ſaid ſum of one hundred thouſand pounds, or ſo much thereof as ſhall be borrowed in purſuance of this act, in the manner and at the reſpective times, and according to the ſeveral and reſpective rates of intereſt, herein before mentioned and appointed for that purpoſe; and that all the ſurplus or exceeding of the ſaid aids and duties, hereby granted to your Majeſty, over and above what ſhall be ſufficient to diſcharge the intereſt of the ſaid ſeveral and reſpective principal ſums already borrowed, and that ſhall be borrowed in purſuanee of this act, ſhall in the firſt place be applied towards the diſcharge of the ſaid principal ſum of two hundred thouſand pounds, which is to remain at an intereſt of five pounds *per centum per annum*, or ſuch part thereof as ſhall remain unpaid on the twenty fifth day of December one thouſand ſeven hundred and ſixty three; and from and after the payment of the ſaid principal ſum of two hundred thouſand pounds towards the payment and diſcharge of the ſaid principal ſum of one hundred thouſand pounds, which is to bear an intereſt of five pounds *per centum per annum* from the twenty fifth day of March one thouſand ſeven hundred and ſixty four; and from and after payment of the ſaid two reſpective principal ſums of two hundred thouſand pounds and one hundred thouſand pounds, which by this act are to remain at an intereſt of five pounds *per centum per annum*, then towards the payment and diſcharge of the ſaid principal ſum of three hundred and fifty thouſand pounds, which by this act is to carry an intereſt at the rate of four pounds *per centum per annum*, or ſo much thereof as ſhall remain unpaid on the twenty fifth day of December one thouſand ſeven hundred and ſixty three; and alſo towards the payment of ſuch ſum or ſums not exceeding in the whole the ſum of one hundred thouſand pounds, as ſhall be actually paid into your Majeſty's treaſury at the inſtance of his excellency the lord lieutenant, or other chief governor or governors of this kingdom for the time being, to ſupply ſuch deficiencies as may ariſe in the aids granted this ſeſſion of Parliament for the ſupport of your Majeſty's civil and military eſtabliſhments, and other neceſſary expences of government, and for the payment of the ſeveral ſums granted in this ſeſſion of Parliament for carrying on publick works in this kingdom.

XX. And be it further enacted by the authority aforeſaid, That from and after payment of the intereſt of the ſaid ſeveral and reſpective ſums before mentioned, and when and as often as any ſurplus or exceeding of the aids and duties hereby granted ſhall be received by the vice-treaſurer or vice-treaſurers, his or their deputy or deputies, and that ſuch ſurplus or exceeding ſhall amount to the ſum of five thouſand pounds, that then the vice-treaſurer or vice-treaſurers, his or their deputy or deputies, ſhall cauſe the numbers of ſuch receipts or debentures amounting to the ſaid principal ſum of two hundred thouſand pounds, which purſuant to this act is to bear an intereſt at the rate of five pounds *per centum per annum*, and the ſums therein contained, to be written on ſeveral tickets or pieces of parchment, and to be rolled and ſewed up and put into a box or urn and well mixed together, and an indifferent perſon ſhall publickly between the hours of ten and twelve in the forenoon of a day, to be by the ſaid vice-treaſurer or vice-treaſurers, his or their deputy or deputies, publickly advertized in the Dublin Gazette for that purpoſe at leaſt twenty days before, at the office of the vice-treaſurer or vice-treaſurers in the caſtle of Dublin draw out of ſuch box or urn as many of the ſaid tickets or pieces of parchment, as the ſums therein contained ſhall amount to the ſaid ſum of five thouſand pounds; and the perſon or perſons, the number of whoſe debentures or receipts ſhall be ſo drawn, his or their executors, adminiſtrators, or aſſigns, ſhall, within twenty days after the ſaid tickets or pieces of parchment ſhall be drawn, be paid by the vice-treaſurer or vice-treaſurers, his or their deputy or deputies, the principal ſums to him, her, or them reſpectively due with intereſt for the ſame at the rate of five pounds *per centum per annum* till paid, and ſhall upon payment thereof deliver his, her, and their ſeveral and reſpective debentures or receipts to

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the ſaid vice-treaſurer or vice-treaſurers, his or their deputy or deputies, to be cancelled (which he or they are hereby required to cancel accordingly) and the intereſt payable by virtue of ſuch debentures or receipts ſhall ceaſe from the expiration of twenty days, to be accounted from the day of drawing the ſaid tickets or pieces of parchment; and from and after the payment of the ſaid principal ſum of two hundred thouſand pounds carrying an intereſt of five pounds *per centum per annum* then the vice-treaſurer or vice-treaſurers, his or their deputy or deputies, ſhall, as often as the ſaid ſurplus or exceeding in their hands ſhall amount to the like ſum of five thouſand pounds, cauſe the numbers of all the receipts or debentures for the ſaid ſum of one hundred thouſand pounds advanced and paid into your Majeſty's treaſury on the ſaid twenty fifth day of March one thouſand ſeven hundred and ſixty three, which by this act are to bear an intereſt at the rate of five pounds *per centum per annum*, to be balloted for in like manner, and with like notices, as herein before is directed, and to cauſe ſo many of the ſaid tickets as ſhall amount to the ſum of five thouſand pounds to be drawn; and the perſon or perſons, the number of whoſe debenture or receipt ſhall be ſo drawn, his, her, or their executors, adminiſtrators, or aſſigns, ſhall within the ſpace of twenty days after ſuch drawing be paid as aforeſaid the principal ſums to him, her, and them reſpectively due with intereſt at the rate of five pounds *per centum per annum* till paid; and he, ſhe, or they, whoſe ticket or tickets ſhall be ſo drawn, ſhall deliver to the vice-treaſurer or vice-treaſurers, his or their deputy or deputies, his, her, and their ſeveral and reſpective debentures or receipts to be cancelled as aforeſaid; and the intereſt payable by virtue of ſuch debentures or receipts ſhall ceaſe from the expiration of twenty days, to be accounted from the day of drawing the ſaid tickets or pieces of parchment; and from and after the payment of the ſaid principal ſum of one hundred thouſand pounds, bearing an intereſt at the rate of five pounds *per centum per annum*, then the vice-treaſurer or vice-treaſurers, his or their deputy or deputies, ſhall, as often as the ſaid ſurplus or exceeding in their hands ſhall amount to the like ſum of five thouſand pounds, cauſe the numbers of all the receipts or debentures, which by this act are to bear an intereſt at the rate of four pounds *per centum per annum*, to be ballotted for in like manner, and with like notices, as herein before is directed, and to cauſe ſo many of the ſaid tickets as ſhall amount to the ſum of five thouſand pounds to be drawn; and the perſon or perſons (the number of whoſe debenture or receipt ſhall be ſo drawn) his, her, or their executors, adminiſtrators, or aſſigns, ſhall within the ſpace of twenty days after ſuch drawing be paid as aforeſaid the principal ſums to him, her, and them reſpectively due with intereſt at the rate of four pounds *per centum per annum* till paid, and he, ſhe, or they, whoſe ticket or tickets ſhall be ſo drawn, ſhall deliver to the vice-treaſurer or vice-treaſurers, his or their deputy or deputies, his, her, and their ſeveral and reſpective debentures or receipts to be cancelled as aforeſaid; and the intereſt payable by virtue of ſuch debentures or receipts ſhall ceaſe from the expiration of twenty days, to be computed from the day of drawing the ſaid tickets or pieces of parchment.

XXI. And be it further enacted by the authority aforeſaid, That if any part of the ſaid principal ſums, hereby provided for, ſhall be due and unpaid on the ſaid twenty fifth day of December, which ſhall be in the year of our Lord one thouſand ſeven hundred and ſixty five, the ſame ſhall be well and truly ſatisfied and paid unto the ſeveral and reſpective perſons, their executors, adminiſtrators, and aſſigns reſpectively, to whom the ſame ſhall be then due, together with ſuch intereſt for the ſame as ſhall be then due at the rates aforeſaid, without any deduction, defalcation, or abatement whatſoever.

XXII. And be it further enacted by the authority aforeſaid, That from and after the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty three a ſeparate and diſtinct account ſhall be kept by the proper officer of the aids, duties, and taxes, granted by this act, or any other act of Parliament now in force in this kingdom, and appropriated to particular uſes; and that the commiſſioners of his

Majeſty's revenue ſhall return their weekly abſtracts from the ſeveral collectors to the accomptant general; and that the accomptant general ſhall return a ſeparate account of the ſeveral duties and taxes ſo appropriated, to the vice-treaſurer or vice-treaſurers, his or their deputy or deputies; and that every collector or receiver of the ſaid duties and taxes do take a ſeparate receipt for the ſame, when paid into his Majeſty's treaſury; which ſaid receipt the vice-treaſurer or vice-treaſurers, his or their deputy or deputies, is and are hereby required to give accordingly. A. D. 1763.

CHAP. III.

An Act for allowing further Time to Perſons in Offices or Employments to qualify themſelves purſuant to an Act, intituled, *An Act to prevent the further Growth of Popery.*

WHEREAS ſeveral perſons well affected to his Majeſty's government and the church of Ireland, as by law eſtabliſhed, may have through ignorance neglected, or been prevented by ſickneſs or other unavoidable cauſes, from taking and ſubſcribing the oaths, and making and ſubſcribing the declaration, and from receiving the ſacrament of the Lord's Supper, according to the directions of an act made in this kingdom in the ſecond year of the reign of her late Majeſty Queen Anne, intituled, *An act to prevent the further growth of popery*, and by their inadvertency may have incurred great penalties: be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and every perſon or perſons, who have incurred any penalties and incapacities in the ſaid act, intituled, *An act to prevent the further growth of popery*, mentioned, by neglecting to qualify themſelves according to the ſaid act, ſhall be and are hereby indemnified, freed and diſcharged of and from all incapacities, diſabilities, forfeitures, and penalties, incurred by reaſon of ſuch omiſſion or neglect as aforeſaid; and that no act or acts done by them, or any of them, or by authority derived from them, or any of them, and not yet avoided, ſhall be queſtioned or avoided by reaſon of ſuch neglect or omiſſion: but all ſuch acts ſhall be, and are hereby declared and enacted to be, as good and effectual, as if all and every ſuch perſon and perſons had taken and ſubſcribed the ſaid oaths, and received the ſaid ſacrament, and made and ſubſcribed the ſaid declaration, in manner as aforeſaid; any thing in the ſaid act to the contrary notwithſtanding: Provided ſuch perſon or perſons do and ſhall take and ſubſcribe the ſaid oaths, and receive the ſaid ſacrament, and make, repeat, and ſubſcribe the ſaid declaration in ſuch manner and form, and in ſuch place and places, as are directed and appointed by the ſaid act *to prevent the further growth of popery*, on or before the firſt day of Auguſt, which ſhall be in the year of our Lord, one thouſand ſeven hundred and ſixty four. 2 *Anne* 6.

II. And whereas ſeveral of his Majeſty's ſubjects are often preferred in the army reſiding in Great-Britain; by which they are by the laws in force in that kingdom obliged to qualify themſelves in ſome part of Great-Britain by receiving the ſacrament, taking the oaths, and ſubſcribing the declaration, within the time mentioned in ſuch laws: and whereas the regiment or regiments, in which ſuch officer or officers have commiſſions ſo granted to them are often ordered into this kingdom, and put upon this eſtabliſhment, by which a doubt has ariſen whether ſuch officer or officers, notwithſtanding he or they having qualified themſelves in Great-Britain for ſuch commiſſions according to the ſaid laws, are not by the laws in force in this kingdom obliged to qualify themſelves after their arrival here for ſuch commiſſions according to an act of Parliament paſſed in this kingdom in the ſecond year of the reign of her late Majeſty Queen Anne, intituled, *an act to prevent the growth of popery*: be it enacted by the authority aforeſaid, That

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no officer or officers ſo preferred in Great-Britain, who ſhall have qualified him or themſelves for ſuch commiſſion or commiſſions according to and within the time limited by the ſaid laws made in Great-Britain, ſhall be obliged to qualify him or themſelves in this kingdom for ſuch commiſſion or commiſſions, ſo granted to him or them in ſuch regiment or regiments, after their arrival in this kingdom, and being put upon this eſtabliſhment; any law, uſage, or cuſtom to the contrary notwithſtanding.

III. Provided always that this act, or any thing herein contained, ſhall not extend to reſtore or intitle any perſon or perſons to any office or employment already actually avoided by judgment of any of his Majeſty's courts of record, or already filled up by any other perſon: but that ſuch office or employment ſhall be and remain in the perſon or perſons who is or are now intitled in law to the ſame, as if this act had never been made.

CHAP. IV.

An Act for Licenſing Hawkers and Pedlars, and for Encouragement of Engliſh Proteſtant Schools.

9 & 10 *W.* 3. 27. *Eng.* 19 *G.* 2. 5. 21 *G.* 2. 3. 23 *G.* 2. 4. 25 *G.* 2. 4. 29 *G.* 2. 4. 31 *G.* 2. 7. 33 *G.* 2. 6. 1 *G.* 3. 6.

WHEREAS the continuing the encouragement formerly given to Engliſh proteſtant ſchools will be of great benefit to this kingdom; and it is reaſonable, that ſome publick fund ſhould be applied and ſet apart for that purpoſe: be it therefore enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the twenty fourth day of June one thouſand ſeven hundred and ſixty four until the twenty fourth day of June one thouſand ſeven hundred and ſixty ſix there ſhall be anſwered and paid unto your Majeſty, your heirs and ſucceſſors, by every hawker, pedlar, petty chapman, or other trading perſon or perſons, going from town to town, or to other men's houſes, and travelling either on foot, or with horſe, horſes, or otherwiſe, in this kingdom, (except as herein after mentioned) carrying to ſell or expoſing to ſale any goods, wares, or merchandizes, a duty of twenty ſhillings by the year; and that every perſon ſo travelling with a horſe, aſs, or mule, or any other beaſt bearing or drawing burthen, ſhall pay the ſum of twenty ſhillings by the year from the twenty fourth day of June one thouſand ſeven hundred and ſixty four to the twenty fourth day of June one thouſand ſeven hundred and ſixty ſix for each horſe, aſs, or mule, or other beaſt bearing or drawing burthen, he or ſhe ſhall ſo travel with, over and above the firſt mentioned duty of twenty ſhillings by the year; which ſaid rates and duties ſhall be collected by ſuch perſon and perſons, and in ſuch manner, and by ſuch ways and means, as the duty payable for licenſes to keep ale houſes is raiſed and collected by virtue of an act made in this kingdom in the thirty third year of the reign of his late Majeſty King George the ſecond, intituled, *An act for better regulating the collection of his Majeſty's revenue, and for preventing of frauds therein, and for repealing an act made the laſt ſeſſion of Parliament*, intituled, *An act for continuing and amending ſeveral laws heretofore made relating to his Majeſty's revenue, and for the more effectual preventing of frauds in his Majeſty's cuſtoms and exciſe, and the ſeveral acts and ſtatutes which are mentioned in the ſaid act, and continued thereby*, as fully to all intents and purpoſes as if the proviſions in the ſaid act for that purpoſe were particularly mentioned, and expreſſed, and enacted again in the body of this preſent act.

33 *G.* 2. 10.

II. And be it further enacted by the authority aforeſaid, That every pedlar, hawker, petty chapman, and other trading perſon or perſons ſo travelling as aforeſaid, ſhall before the twenty fourth day of June one thouſand ſeven hundred and ſixty four, and ſo likewiſe in every year, deliver or cauſe to be delivered to the collector of exciſe of the diſtrict, where he or ſhe ſhall reſide or dwell, a note in writing

writing under his or her hand, or under the hand of ſome perſon by her or him authorized in that behalf, how and in what manner he or ſhe intends to travel and trade, whether on foot or with one or more horſe or horſes, aſs or aſſes, mule or mules, or any other beaſt bearing or drawing burthen, for his or her ſo travelling and trading; for which he or ſhe ſhall thereupon pay or cauſe to be paid unto ſuch collector the yearly duty herein before directed to be payable for the ſame, and thereupon a licenſe ſhall be granted unto him or her ſo to travel or trade by ſuch collector.

III. And be it further enacted by the authority aforeſaid, That if any ſuch hawker, pedlar, or petty chapman, from and after the ſaid twenty fourth day of June one thouſand ſeven hundred and ſixty four be found trading as aforeſaid without or contrary to ſuch licence, ſuch perſon ſhall for each and every ſuch offence forfeit the ſum of five pounds; one moiety thereof to the informer, and the other moiety to the incorporated ſociety in Dublin for promoting Engliſh proteſtant ſchools.

IV. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid collectors of the ſeveral diſtricts in this kingdom reſpectively, and they are hereby reſpectively directed, appointed, and required, upon the terms aforeſaid, and upon the receipt as aforeſaid, to grant a licence under their reſpective hands to every hawker, pedlar, petty chapman, or any other trading perſon, for him or herſelf, with one or more horſes, aſſes, mules, or beaſts, which he, ſhe, or they ſhall travel with, as the caſe ſhall require; for which licence there ſhall be taken by ſuch collectors for their own uſe, one ſhilling, and no more, except ſuch hawker, pedlar, or petty chapman, ſhall travel with horſe, aſs, or mule, or any other beaſt bearing or drawing burthen, and in that caſe there ſhall be paid to ſuch collectors for their own uſe for ſuch licence two ſhillings, and no more, over and above the duties aforeſaid; and that the ſaid collectors ſhall keep ſeparate and diſtinct accounts of the duties hereby granted, and pay the money ariſing thereby into your Majeſty's treaſury, as other money received by them for the uſe of your Majeſty.

V. And be it further enacted by the authority aforeſaid, That the ſaid collectors ſhall be accountable to your Majeſty for the duties hereby granted, and ſhall be ſubject to the like penalties and forfeitures for not rendering a true account thereof and paying the ſame in manner afore-mentioned, as they are and ſtand liable unto for not rendering a true account of any money received by them for the uſe of your Majeſty.

VI. And be it further enacted by the authority aforeſaid, That the monies ariſing from the ſaid duties hereby granted ſhall from time to time be brought into the receipt of your Majeſty's Exchequer, and ſhall from time to time without any fee or deduction whatſoever be paid by the vice-treaſurer or receiver-general of this kingdom to the incorporated ſociety in Dublin for promoting Engliſh proteſtant ſchools, or to their treaſurer for the time being, for the uſe of the ſaid incorporated ſociety.

VII. And be it further enacted by the authority aforeſaid, That if any perſon or perſons whatſoever ſhall forge or counterfeit, or cauſe to be forged or counterfeited, any licence or licences for the purpoſe aforeſaid, or travel with ſuch forged or counterfeited licence or licences, knowing the ſame to be forged or counterfeited, ſuch perſon ſhall forfeit the ſum of fifty pounds, one moiety thereof to the King, and the other moiety to him who ſhall proſecute or ſue for the ſame, to be recovered by action of debt, bill, plaint, or information in any of your Majeſty's courts of record at the four courts in Dublin, in which no eſſoign, protection, or wager of law, or more than one imparlance, ſhall be allowed, and ſhall be ſubject to ſuch other pains and penalties, as may be inflicted on perſons for forgery.

VIII. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall be ſued, moleſted, or troubled for putting in execution any of the powers contained in this act, or for doing any matter or thing purſuant thereto,

A. D. 1763. Chap. 4.

ſuch perſon and perſons ſhall and may plead the general iſſue, and give the ſpecial matter in evidence; and if the plaintiff or plaintiffs ſhall be nonſuited, or judgment be given againſt him or them upon demurrer or otherwiſe, or a verdict paſs for the defendant or defendants, or a diſmiſs upon a civil bill, ſuch defendant or defendants ſhall have his, her, or their treble coſts, to be recovered by ſuch manner as where by law coſts are given to defendants.

IX. And be it further enacted by the authority aforeſaid, That if any conſtable ſhall refuſe or neglect upon due notice or on his own view to be aiding and aſſiſting in the execution of this act, being thereunto required, every ſuch conſtable, being thereof convicted by the oath of one or more credible witneſs or witneſſes before any juſtice of the peace for the county or place, where ſuch offence ſhall be committed, ſhall forfeit for each and every ſuch offence contrary to this act the ſum of forty ſhillings, to be levied by diſtreſs and ſale of the offenders goods by warrant under the hand and ſeal of ſuch juſtice of the peace; one moiety whereof to be paid to the ſaid incorporated ſociety, the other moiety to the informer who ſhall proſecute for the ſame, rendering the overplus thereof to the owner, if any be.

X. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for any perſon or perſons whatſoever to ſeize and detain any ſuch hawker, pedlar, petty chapman, or other trading perſon or perſons as aforeſaid, and alſo the goods they ſhall be found trading with, until ſuch time as he, ſhe, or they ſhall produce a licence in that behalf, if he, ſhe, or they have any: and if he, ſhe, or they ſhall be found trading without ſuch licence contrary to this act, that then it ſhall and may be lawful to and for ſuch perſon or perſons, ſo ſeizing as aforeſaid, taking to his or their aſſiſtance ſuch perſon or perſons as he or they ſhalll think fit, to carry the perſon ſo ſeized, as alſo the ſaid goods, before ſome one of his Majeſty's juſtices of the peace of the county or place, or before the collector of his Majeſty's revenue for the diſtrict where ſuch offence or offences ſhall be committed, which ſaid juſtice of the peace and collector reſpectively are hereby ſtrictly required either upon the confeſſion of the party offending, or due proof of a witneſs upon oath, which they are hereby reſpectively impowered to adminiſter, that the perſon ſo brought before him had ſo traded as aforeſaid, unleſs ſuch licence ſhall be produced by ſuch offender before the ſaid juſtice or collector, by warrant under his hand and ſeal to cauſe the ſum of five pounds to be forthwith levied by diſtreſs and ſale of the offender or offenders goods, wares, or merchandizes, rendering the overplus, (if any be) to the owner or owners thereof, after deducting the reaſonable charge for taking the ſaid diſtreſs; and out of the ſaid ſale to pay the penalty and forfeiture aforeſaid.

XI. Provided always, and be it enacted by the authority aforeſaid, That this act, or any thing herein contained, ſhall not extend to prohibit any perſon from ſelling of any acts of Parliament, forms of prayer, proclamations, gazettes, almanacks, or other printed papers, or any fiſh, fruit, or victuals, nor to hinder any perſon or perſons who are the real workers or makers of any goods or wares, within this kingdom, or his or their wife or wives, apprentice or apprentices from carrying abroad, expoſing to ſale, and ſelling any of the ſaid goods and wares of his, her, or their making in any publick fairs, markets, or elſewhere, nor any tinker, cooper, glazier, plumber, harneſs-mender, or other perſons uſually trading in mending of kettles, tubs, houſehold goods, or harneſs whatſoever, from going about or carrying with him or them proper materials for mending the ſame.

XII. Provided always, and be it enacted by the authority aforeſaid, That this act, or any thing herein contained, ſhall not extend to ſubject any perſon or perſons who ſhall carry raw and unmanufactured wool, or frizes, or ſtockings made of woollen yarn, from one part of the kingdom to the other, or expoſe the ſame to ſale in any fair, market, or other place in this kingdom, to any of the duties or penalties herein before mentioned; ſo as ſuch perſon or perſons ſhall not at the ſame time carry or expoſe to ſale any other goods, wares, or merchandizes,

except the ſaid raw and unmanufactured wool, and the ſaid frizes and ſtockings made of woollen yarn.

XIII. Provided alſo, and be it enacted by the authority aforeſaid, That this act, or any thing herein contained, ſhall not extend to prohibit or reſtrain any perſon or perſons from ſelling or expoſing to ſale in any place or places whatſoever any flax, tow, hemp, flaxen yarn, hempen yarn, ticken, plain, ſtriped, chequered, painted, or ſtained linens, buckrams, or canvas; ſo as ſuch perſon or perſons ſhall not at the ſame time carry or expoſe to ſale any other goods, wares, or merchandizes, except ſuch flax, tow, hemp, flaxen yarn, hempen yarn, ticken, plain, ſtriped, chequered, painted, or ſtained linens, buckrams, or canvas as aforeſaid.

XIV. Provided alſo, and be it enacted by the authority aforeſaid, That this act, or any thing therein contained, ſhall not extend, to ſubject any perſon or perſons who ſhall carry any pots or griddles made of caſt iron metal from one part of the kingdom to another, or expoſe the ſame to ſale in any fair, market, or other place in this kingdom, to the payment of any greater duty than the ſum of twenty ſhillings by the year in the whole, although ſuch perſon or perſons ſhall or may trade or travel with one or more horſe or horſes, or other beaſt or beaſts drawing or bearing burthen, ſo as ſuch perſon or perſons ſhall not at the ſame time carry or expoſe to ſale any other goods, wares, or merchandizes, except the ſaid pots and griddles made of caſt iron metal.

XV. Provided alſo, and be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the commiſſioners of his Majeſty's revenue, or any three or more of them for the time being, to order and direct to be paid out of the monies raiſed by this act, to the ſaid collectors, their clerks, or any other perſons, ſuch ſums of money as they or any of them ſhall or may reaſonably deſerve for their ſervice, or ſhall or may have expended, in the execution of, or in relation to this act.

XVI. Provided alſo, and be it further enacted by the authority aforeſaid, That this act, or any thing herein contained, ſhall not extend, or be conſtrued to give any power for licenſing any hawker, pedlar, or petty chapman, to ſell or expoſe to ſale, any wares or merchandizes in any city, borough, town corporate, or market town within this realm, any otherwiſe than he or ſhe might have done before the making of this act; any thing herein contained to the contrary in any wiſe notwithſtanding.

XVII. And for the further encouragement of Engliſh Proteſtant Schools: be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for every archbiſhop, biſhop, and to and for every dean, archdeacon, dignitary, prebendary, rector, vicar, and eccleſiaſtical perſon whatſoever, with the conſent of the archbiſhop or biſhop of their reſpective dioceſes, ſignified under the hand and ſeal of ſuch archbiſhop and biſhop reſpectively, and to and for every perſon being ſeized of an eſtate for life in poſſeſſion of any land with immediate remainder over to his iſſue in tail, by deed or deeds reſpectively to grant in poſſeſſion abſolutely or in fee-farm any quantity of land to them reſpectively belonging, not exceeding two acres plantation meaſure, to the ſaid Incorporated Society and their ſucceſſors for ever; and that all grants, ſo to be made, ſhall be good and effectual againſt the ſucceſſors of every ſuch archbiſhop, biſhop, dean, archdeacon, dignitary, prebendary, rector, vicar, and other eccleſiaſtical perſon reſpectively, and againſt all perſons claiming or to claim any eſtate, right, title, or intereſt, in ſuch land by virtue of or under any limitation, remainder, or reverſion expectant upon ſuch eſtate for life.

A. D. 1763.

CHAP. V.

An Act for diſcharging without Fees Perſons who ſhall be acquitted of Offences, for which they are or ſhall be indicted; and for making a Compenſation to Sheriffs, Gaolers, Clerks of the Crown, and Clerks of the Peace, for ſuch Fees.

Repealed 23 & 24 *G.* 3. *c.* 34.

WHEREAS ſeveral perſons, who are acquitted of the crimes, for which they are indicted, are from time to time continued in the ſeveral gaols of this kingdom for not paying ſuch fees, as are due from them to the ſheriff, gaoler, clerk of the crown, clerk of the peace, his or their deputy or deputies, which fees many of them are unable to diſcharge: and whereas ſuch perſons by continuing in gaol not only contract habits of idleneſs, but alſo from the bad examples they meet with in ſaid gaols frequently become diſſolute and abandoned: for remedy whereof be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the twenty fifth day of March, which ſhall be in the year of our Lord one thouſand ſeven hundred and ſixty four, it ſhall and may be lawful to and for the ſeveral grand-juries of the ſeveral counties, and counties of cities, and counties of towns in this kingdom, and at the quarter-ſeſſions of the county of Dublin, and county of the city of Dublin, if they ſhall think proper, to preſent on the reſpective county, county of a city, or county of a town, the cuſtomary and legal fees due from any perſon or perſons, againſt whom any bill of indictment is found, or ſhall be found, and who ſhall be acquitted at the ſaid ſeveral aſſizes and quarter-ſeſſions of the crime or crimes charged in ſuch indictment.

II. Provided alſo, and be it enacted by the authority aforeſaid, That no ſuch preſentment ſhall be made by ſaid ſeveral grand-juries for the fees of any perſon acquitted, unleſs the petty jury, before whom ſaid perſon ſhall be tried, ſhall certify under the hand of their foreman to the grand-jury aforeſaid, at the time they ſhall return their verdict to the court, that ſuch is a proper object of the benefit of this law; and alſo unleſs ſaid grand-juries be reſpectively informed of the particulars and whole account of ſuch fee or fees, ſo to be preſented, by affidavit made by the clerk of the crown of ſuch county, or county of a city, and in the county and county of the city of Dublin by the clerk of the peace of ſaid county, or county of city, acting deputy or deputies, that then it may be lawful to and for the ſaid

grand-juries to preſent ſaid fees as aforeſaid; which preſentments the judges of aſſize and juſtices of the peace of the county and county of the city of Dublin may confirm, if they ſhall think proper, and ſhall apprehend that the perſons acquitted are proper objects of the benefit of this law; and that immediately after ſaid preſentment ſhall be confirmed by the judges or juſtices of the peace reſpectively, ſuch priſoner or priſoners, in whoſe favour they ſhall have been made, ſhall forthwith be diſcharged; and that no traverſe to ſuch preſentments ſhall be received by the courts.

III. And be it further enacted by the authority aforeſaid, That from and after the twenty fifth day of March, which ſhall be in the year of our Lord one thouſand ſeven hundred and ſixty four, that no fee or fees, ſum or ſums of money, ſhall be demanded or received from any perſon or perſons, who is or ſhall be indicted, and who ſhall be acquitted of the crime or crimes charged in ſuch indictments, at the general quarter ſeſſions of the peace to be held for any county, or county of city, or county of a town throughout this kingdom, the county of Dublin and county of the city of Dublin excepted as aforeſaid, but ſuch priſoner or priſoners forthwith on his or their acquittal ſhall be diſcharged without fees; and if any ſheriff, gaoler, or clerk of the peace, his or their deputy or deputies, or any other perſon whatſoever ſhall, after the ſaid twenty fifth day of March, which ſhall be in the year of our Lord one thouſand ſeven hundred and ſixty four, receive or take from any ſuch perſon, who ſhall be acquitted as aforeſaid, or from any other perſon on his or their behalf, any fee or fees, or any ſum or ſums of money, as for or under the pretence of fees, or if any gaoler ſhall upon any other occaſion whatſoever extort from any priſoner or priſoners under his care any fee or fees, ſum or ſums of money, other than ſuch as are warranted by law, every ſuch perſon ſo offending ſhall for every ſuch offence forfeit the ſum of twenty pounds, the one moiety thereof to our ſovereign lord the King, his heirs and ſucceſſors, and the other moiety to him or them that ſhall or will ſue for the ſame in any of his Majeſty's four courts in Dublin by bill, plaint, or information, in which no eſſoin, wager of law, or protection, or more than one imparlance, ſhall be allowed.

IV. Provided always, that the juſtices at the general quarter ſeſſions of the peace for ſaid county, or county of a city, or county of a town, ſhall have full and ample power by publick judgment delivered from the bench to deprive of the advantage of this law any perſon or perſons, who ſhall have been tryed and acquitted before them, and whom they ſhall think unworthy of this benefit.

A. D. 1763. Chap. 5.

V. And in order to reimburſe and ſatisfy the ſaid ſeveral officers for ſuch fees as they would have been intitled to receive from ſuch perſons ſo diſcharged as aforeſaid, be it enacted by the authority aforeſaid, That it ſhall and may be lawful from and after the ſaid twenty fifth day of March, which ſhall be in the year of our Lord one thouſand ſeven hundred and ſixty four, for the ſeveral grand-juries of the ſeveral counties, and counties of cities, and counties of towns of this kingdom at the aſſizes held for the ſeveral counties, and counties of cities, and counties of towns, immediately next following the general quarter ſeſſions of the peace at which ſuch tryals ſhall be had, to preſent a ſum not exceeding the ſum of ten pounds, if it be a county at large, nor exceeding the ſum of five pounds, if it be a county of a city or county of town, to be proportioned by the reſpective grand-juries of ſaid counties to the number of perſons diſcharged as aforeſaid at the ſeſſions without fees, of which the ſaid grand-juries are to be certified by affidavit made by the reſpective clerk of the peace of ſaid county at large, county of a city, or county of a town, and when raiſed to be divided among the ſeveral officers herein before mentioned, in the proportion in which they heretofore ſtood intitled to ſuch fees.

VI. Provided always, and be it enacted by the authority aforeſaid, That this act, or any thing contained herein, ſhall not extend to or be conſtrued in ſuch manner as to deprive the judges or juſtices of the peace of any power, that they have by the laws now in being, of committing or keeping in confinement any perſon, who ſhall be ſo confined as aforeſaid.

VII. Provided alſo, and be it further enacted by the authority aforeſaid, That it ſhall not be lawful for any grand-jury by virtue of this act, or any thing herein contained, to raiſe or preſent to be raiſed at any one aſſizes for the purpoſes aforeſaid any ſum of money, exceeding in a county at large the ſum of twenty pounds, nor in a county of a city or county of a town ten pounds, excepting only the county of Cork, the grand-jury of which may raiſe or preſent to be raiſed for the purpoſes herein mentioned any ſum or ſums of money, not exceeding in the whole the ſum of thirty pounds at any one aſſizes, any thing herein contained to the contrary notwithſtanding.

CHAP.

A. D. 1763.

CHAP. VI.

An Act for continuing and amending an Act, intituled, *An Act for making the River Lagan navigable, and opening a Paſſage by Water between Loughneagh and the Town of Belfaſt in the County of Antrim.*

WHEREAS by an act paſſed in the twenty ſeventh year of the reign of his late Majeſty King George the ſecond of glorious memory certain duties, rates, and impoſitions were granted to his ſaid late Majeſty King George the ſecond for the uſe of the corporation for promoting and carrying on an inland navigation in Ireland to be by them laid out and expended in making the river Lagan navigable, and opening a paſſage by water between Loughneagh and the town of Belfaſt in the county of Antrim: and whereas the ſaid act is to expire on the twenty fifth day of December one thouſand ſeven hundred and ſixty four: and whereas a great number of perſons liable by the ſaid act to the payment of the ſaid duties (that is to ſay) the inhabitants of part of the gaugers-walks of Belfaſt, Liſburne, Moyra, and Hillſborough, within the diſtrict of Liſburne, are willing and deſirous, that the ſame ſhall be continued in order to carry on and accompliſh the ſaid navigation: be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, that the ſeveral and reſpective duties and impoſitions in and by the ſaid act granted to his Majeſty, or chargeable in the manner therein mentioned, from the twenty fifth day of December one thouſand ſeven hundred and fifty three to the twenty fifth day of December one thouſand ſeven hundred and ſixty four be further granted, continued, raiſed, collected, levied, and paid unto his Majeſty, his heirs and ſucceſſors, for nine years from the twenty fifth day of December one thouſand ſeven hundred and ſixty four to the twenty fifth day of December one thouſand ſeven hundred and ſeventy three, and no longer, in and throughout ſuch parts of the gaugers-walks of Belfaſt, Liſburne, Moyra, and Hillſborough, within the ſaid diſtrict of Liſburne, as are not part and parcel of the mannors of Hillſborough, Kilwarlin, Caſtlereagh, and Slatneals; the ſame to be raiſed and applied to and for the uſe of the corporation for promoting and carrying on an inland navigation in Ireland in order to accompliſh the ſaid navigation, and to be paid in the ſame manner,

27 *G.* 2. 3. The duties thereby granted continued 9 years to 25 Dec. 1773, and applied to the ſaid navigation, except as hereby altered.

A. D. 1763. Chap. 6.

and with the like powers, proviſoes, and clauſes, in the ſaid act contained, except ſuch alterations and amendments as are hereafter mentioned.

The duties repaid on export or carrying out of the diſtrict the beer, ſpirits, &c.

II. And be it enacted by the authority aforeſaid, That in caſe any beer, ale, aquavitæ, ſtrong waters, or ſpirits, for which the ſaid additional duties or impoſitions ſhall or ought to be paid by virtue of this act, ſhall within twelve months after the payment of the ſaid additional duties be exported out of the kingdom, or carried out of the ſaid parts of the ſaid walks in the diſtrict of Liſburne to any part of this kingdom, the collector, who ſhall have received ſuch additional duties, ſhall repay the ſame to the common brewer, victualler, or diſtiller of ſuch beer, ale, or ſpirits.

Upon certificate by the gauger to collector of previous notice of the time, quantity, place, and perſon,

III. Provided always, That before ſuch repayment be made, the ſaid brewer, victualler, or diſtiller do produce to the collector a certificate under the hand of the gauger of the walk, in which ſuch brewer, victualler, or diſtiller reſides, that he the ſaid gauger had previous notice of ſuch beer, ale, and ſpirits being to be exported or ſent out of the walk, expreſſing the time of his receiving ſuch notice and quantity ſo to be exported or ſent, and the port or place to which the ſaid beer, ale, and ſpirits are to be exported or ſent, and the place of abode and name of the perſon to whom, and alſo the time when, they were intended to be ſo exported or ſent, and alſo

and oath before collector of really exporting, &c. without intending to bring back the ſame.

make oath before the collector (who is hereby impowered to adminiſter the ſaid oath) that the ſaid beer, ale, and ſpirits have been really and *bona fide* exported or carried out of the ſaid walk conformable to ſuch notice; and that he verily believes, that they have not been, and are not intended to be, brought back into any of the ſaid walks for conſumption.

A publick act.

IV. And be it enacted by the authority aforeſaid, That this act ſhall be adjudged, deemed, and taken as a publick act; and ſhall be judicially taken notice of as ſuch by all judges, juſtices, and other perſons whatſoever, without ſpecially pleading the ſame.

Continued by 11 & 12 *G.* 3. *c.* 26. *ſ.* 1. *and to* 1814 *by* 13 & 14 *G.* 3. *c.* 12. *ſ.* 1.

V. And be it further enacted by the authority aforeſaid, That this act ſhall continue and be in force for nine years from the twenty fifth day of December one thouſand ſeven hundred and ſixty four to the twenty fifth day of December one thouſand ſeven hundred and ſeventy three, and no longer.

On notice to the collector by the corporation that the navigation is compleated, the duties to ceaſe.

VI. Provided always, and be it enacted by the authority aforeſaid, That if at any time during the continuance of this act the corporation for carrying on an inland navigation in Ireland ſhould have paid off all ſums of money, which they may have borrowed for the better carrying on the ſaid navigation,

and ſhould be certified, that the ſaid navigation between Belfaſt and Loughneagh is compleated and finiſhed, then and in that caſe upon notice given by the ſaid corporation to the collector of Liſburne that the ſaid navigation is ſo compleated, that from thenceforth the ſaid additional rates, duties, and impoſitions ſhall ceaſe and determine, any thing in this act to the contrary notwithſtanding. A. D. 1763.

CHAP. VII.

An Act for regulating the Proceedings of grand-juries in the preparing and forming of Preſentments for the levying of Money.

WHEREAS preſentments of grand-juries for raiſing publick money are often confirmed for want of due notice, that ſuch preſentments were intended to be made and applied for: for remedy whereof be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the twenty fourth day of June one thouſand ſeven hundred and ſixty four, no preſentment, except preſentments for bread for priſoners, or for the repairing or ſtrengthening gaols, and for bolts or ſhackles, ſtocks, whipping-poſts, ducking-ſtools, and pillories, and alſo excepting preſentments for conveying of perſons accuſed for any treaſon or felony to the county gaol purſuant to an act of Parliament made in this kingdom in the ſeventeenth year of his late Majeſty King George the ſecond, ſhall be confirmed, unleſs ſeven days notice (diſtinguiſhing therein the barony to be charged by ſuch preſentment, if to be a barony-charge) at leaſt thereof ſhall be given to the treaſurer of the county previous to the aſſizes, in which application ſhall be made for ſuch preſentment, and which notice ſhall be given in writing and poſted up by the ſaid treaſurer, or in caſe of his being diſabled by ſickneſs or abſence, by ſuch perſon as he ſhall appoint to perform the ſame, on the door of the county court-houſe four days before the ſaid aſſizes, and in the grand-jury room on the firſt day of the ſaid aſſizes; of all which the ſaid treaſurer, or ſuch perſon as he ſhall in caſe of ſickneſs or abſence as aforeſaid appoint, ſhall make an affidavit before one of the judges of aſſize, before any preſentment (except as before excepted) ſhall be confirmed. *Repealed* 5 *G.* 3. 14. *f.* 1.

II. And be it further enacted by the authority aforeſaid, That the ſaid treaſurer of the county, or in caſe of his ſickneſs or abſence ſuch perſon as he ſhall appoint as aforeſaid, ſhall, and he is hereby required to, deliver a fair and true copy

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in writing of all ſuch notices to the clerk of the crown, and in caſe of his abſence to his deputy on the firſt day of the aſſizes; who or his deputy, as the caſe ſhall happen, is hereby required to read the ſame publickly in open court on the ſecond day of the aſſizes, before any other buſineſs is proceeded on; and ſhall at the requeſt of any juſtice of the peace for the ſaid county during the aſſizes deliver unto ſuch juſtice, when he ſhall require the ſame, or with all convenient ſpeed afterwards, a fair and true liſt in writing of all ſuch notices, ſuch juſtice paying unto him a Britiſh ſixpence, and no more, for his trouble.

III. And be it further enacted by the authority aforeſaid, That in caſe ſuch treaſurer, or if he ſhall be ſick, ſuch perſon as he ſhall appoint, ſhall omit or neglect to do or perform, what is herein before required of him or either of them, then the ſaid treaſurer ſhall for every ſuch offence forfeit the ſum of ten pounds; and in caſe the clerk of the crown, or his deputy in caſe of his abſence, upon receiving from the treaſurer the ſaid liſt of all ſuch notices as aforeſaid, ſhall omit or neglect to do and perform, what is herein before required of him, or either of them, then that the ſaid clerk of the crown ſhall for every ſuch offence forfeit the like ſum of ten pounds.

IV. And be it further enacted by the authority aforeſaid, That the ſaid forfeitures ſhall be recovered in a ſummary way by civil bill by any perſon or perſons, who ſhall firſt ſue for the ſame at the next general aſſizes for the ſaid county.

V. Provided always, That nothing herein contained ſhall extend to the county of the city of Dublin, or to the county of Dublin.

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CHAP. VIII.

An Act for amending an Act, intituled, *An Act to explain and amend an Act paſſed in the Sixth Year of the Reign of His late Majeſty King George the Firſt,* intituled, *An Act for the better regulating the Pariſh Watches, and amending the Highways in this Kingdom, and for preventing the Miſapplication of Publick Money.*

WHEREAS proviſion has been made by the ſaid act for making roads from one market town to another in direct lines: and whereas the ſaid act does not extend to the county of Dublin, as there are no aſſizes held for the ſaid county: and whereas it is reaſonable, that the ſaid county ſhould have the benefit of the ſaid proviſions as well as any other county: for which purpoſe be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of May one thouſand ſeven hundred and ſixty four, it ſhall and may be lawful to and for the grand jury of the county of Dublin in Hilary and Trinity terms in every year to make ſuch preſentments for new roads, as the grand juries of other counties are impowered to do by the ſaid act, ſubject nevertheleſs to ſuch traverſes as in the ſaid act is mentioned. *Repealed* 5 G. 3. 14. *ſ.* 1. 13 G. 2. 10. *ſ.* 2. 13 G. 2. 10. *ſ.* 2.

II. And be it enacted by the authority aforeſaid, That from and after the firſt day of May one thouſand ſeven hundred and ſixty four it ſhall and may be lawful to and for the grand jury of any county at the aſſizes, and for the grand jury of the county of Dublin in the ſaid terms, to preſent any old road or any part thereof to be ſtopped, where any new road has been or ſhall be made in lieu of ſuch old road in purſuance of the ſaid act or of this act.

III. Provided always, That if any perſon or perſons ſhall think him, her, or themſelves aggrieved by ſtopping up ſuch old road, it ſhall be lawful for ſuch perſon to traverſe ſuch preſentment at the next aſſizes or at the ſecond aſſizes after, or if in the county of Dublin in the next term or the ſecond term after, ſuch preſentment ſhall be made; and ſuch traverſe ſhall be tried by a jury; and in caſe ſuch preſentment ſhall not be traverſed, or if traverſed a verdict ſhall be found for the preſentment, ſuch preſentment ſhall be confirmed.

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CHAP. IX.

An Act for explaining an Act, intituled, *An Act for better ſupplying the city of Dublin with Corn and Flour*; *and alſo an Act*, intituled, *An Act for amending an Act*, intituled, *An Act for better ſupplying the City of Dublin with Corn and Flour.*

Premium by 31 *G.* 2. 3. and 33 *G.* 2. 12. for bringing corn or flour to Dublin proportionably to the number of miles diſtant above 10.

WHEREAS ſome doubts have ariſen upon the conſtruction of the ſaid acts, whether any perſon can be intitled to a premium for bringing corn or flour to the city of Dublin, where the place, from whence the ſame is brought, is not full five miles diſtant from the city of Dublin over and above ten miles; and alſo whether pearl barley be intitled to any premium under the ſaid acts: for the removing of which doubts be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of June one thouſand ſeven hundred and ſixty four that every perſon, intitled to receive any of the premiums given by the ſaid acts, ſhall receive the ſame proportionably according to the number of miles the place, from whence the corn or flour ſhall be brought, ſhall be diſtant from the city of Dublin over and above ten miles; and that the perſons, who bring pearl barley to the city of Dublin, ſhall be intitled to the like premium as for malt, upon performing the ſeveral requiſites in the ſaid acts mentioned.

premium for pearl barley as for malt.

Affidavit by owner or perſon employed before a juſtice of the county, whence, &c.

II. And be it further enacted by the authority aforeſaid, That from and after the ſaid firſt day of June one thouſand ſeven hundred and ſixty four no perſon ſhall be intitled to receive any premium granted by this or the former acts for bringing of corn, flour, malt, or pearl barley to Dublin, unleſs the owner thereof, or ſome perſon employed by him or her to take care of the ſame, where it grew or was made, do, before the ſame is brought to Dublin, make ſuch affidavit before a juſtice of the peace of the county, from whence it is to be brought, and obtain ſuch certificate, as is required by the former acts, and ſhall ſwear before ſuch juſtice, that neither he, nor any other perſon to his belief, has received any premium for the ſame, or made any affidavit but the preſent to intitle him to a premium for the ſame.

certificate as by ſaid acts,

oath of no premium received, and that no other affidavit made.

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CHAP. X.

An Act for the more effectual carrying into Execution an Act, intituled, *An Act for the Relief of the Creditors of the Bank lately kept by John Willcocks and John Dawſon, and of the Creditors of the Bank lately kept by Joſeph Fade and John Willcocks, and of the Creditors of the Bank lately kept by Joſeph Fade, Iſachar Willcocks, and John Willcocks, and of the Creditors of the Bank lately kept by Joſeph Fade; and for raiſing out of the eſtates real and perſonal of Richard Brewer, late the caſh-keeper of the ſaid John Willcocks and John Dawſon, the Sum due by the ſaid Richard Brewer to the ſaid John Willcocks and John Dawſon.*

WHEREAS in and by an act of Parliament made in this kingdom in the twenty ninth year of the reign of his late Majeſty King George the ſecond, intituled, *(An act for the relief of the creditors of the bank lately kept by John Willcocks and John Dawſon, and of the creditors of the bank lately kept by Joſeph Fade and John Willcocks, and of the creditors of the bank lately kept by Joſeph Fade, Iſachar Willcocks, and John Willcocks, and of the creditors of the bank lately kept by Joſeph Fade, and for raiſing out of the eſtates real and perſonal of Richard Brewer, late the caſh-keeper of the ſaid John Willcocks and John Dawſon, the ſum due by the ſaid Richard Brewer to the ſaid John Willcocks and John Dawſon;)* Michael Chamberlain, Joſeph Green, Thomas Read, and Matthew Weld, eſquires, Charles Howiſon, Robert Montgomery, and Ellis Price, merchants, or any three or more of them, or of the ſurvivors of them, were thereby appointed commiſſioners to hear and determine the ſeveral claims, and to ſettle and adjuſt the ſeveral accounts relating thereto or concerning the ſame, and to make ſuch orders, adjudications, and determinations, as they were therein after authorized and impowered to make concerning the eſtates veſted in the aſſignees therein after appointed: and whereas in and by the ſaid act it was amongſt other things enacted, that the ſaid John Willcocks and John Dawſon ſhould reſpectively on or before the firſt day of December one thouſand ſeven hundred and fifty ſix deliver in upon oath, or being of the people called Quakers upon ſolemn affirmation, to the ſaid commiſſioners, or any three or more of them, a true, exact, and particular account of their reſpective eſtates real and perſonal, thereby veſted or intended to be veſted in the ſaid aſſignees, which they the ſaid John Willcocks and John Dawſon, or either of them, or any perſon or perſons in truſt for them or either of them, were or was ſeized, poſſeſſed 29 G. 2. c. 22.

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of, or intereſted in, or intitled unto, on the third day of March one thouſand ſeven hundred and fifty five, or at any time ſince, without any wilful concealment or omiſſion, (the neceſſary wearing apparel of the ſaid John Willcocks and John Dawſon only excepted) and that the ſaid John Willcocks and John Dawſon ſhould reſpectively, upon notice to them reſpectively given by the ſaid commiſſioners or any three or more of them, within ten days after ſuch notice ſerved deliver unto the ſaid commiſſioners, or any three or more of them, all mortgages, bills, bonds, notes, and ſecurities, which belonged to the ſaid banks, or any or either of them, or to the ſaid John Willcocks and John Dawſon in their reſpective rights, and all books of accounts in their cuſtody or power reſpectively, and that it ſhould be lawful to and for the ſaid commiſſioners, or any three or more of them, to examine from time to time, and as often as they ſhould ſee occaſion, the ſaid John Willcocks and John Dawſon upon oath or ſolemn affirmation concerning the reſpective eſtates real and perſonal by the ſaid act veſted, or intended to be veſted, in the ſaid aſſignees; and that upon the ſaid John Willcocks and John Dawſon reſpectively delivering or giving in ſuch account as aforeſaid to the ſatisfaction of the ſaid commiſſioners, or any three or more of them, and upon their reſpectively delivering or cauſing to be delivered to the ſaid commiſſioners, or any three or more of them, all their reſpective eſtates and effects, or ſo much thereof as at the times of ſuch examination ſhould be in their reſpective cuſtody or power, to be applied to the uſes of the ſaid act of Parliament, and upon their reſpectively delivering in or cauſing to be delivered to the ſaid commiſſioners, or any three or more of them, all the reſpective title-deeds and ſecurities for money, which at the time of ſuch examination ſhould be in their reſpective cuſtody or power, and upon their making reſpectively a true and faithful diſcovery to whom, upon what account, and for what conſideration, the reſidue of the ſaid reſpective eſtates and effects had been diſpoſed of, then and in ſuch a caſe it ſhould and might be lawful to and for the ſaid commiſſioners, or any three or more of them, to certify under their hands and ſeals the conformity to the directions of the ſaid act of Parliament; and ſuch of them, the ſaid John Willcocks and John Dawſon, who ſhould ſo conform as aforeſaid, and that ſuch of them, the ſaid John Willcocks and John Dawſon, who ſhould obtain ſuch certificate of ſuch conformity as aforeſaid, and all ſuch eſtate as the perſon or perſons obtaining ſuch certificate ſhould any way have, purchaſe, or acquire after the obtaining ſuch certificate, ſhould be abſolutely freed and diſcharged of and from all ſum and ſums of money due and owing to any perſon whatſoever:

whatſoever: and whereas in and by the ſaid act of Parliament all and ſingular the manors, lands, tenements, and hereditaments, rents, reverſions, remainders, uſes, and truſts, which the ſaid Joſeph Fade was at the time of his death ſeized of or intitled unto in fee ſimple, fee tail, or for life or lives, either in law or equity, and all debts which had not theretofore been *bona fide* paid or diſcharged, and were then due to him, or which he was intitled unto, and likewiſe all other the eſtate real and perſonal, which the ſaid Joſeph Fade died ſeized, poſſeſſed of, or intereſted in, or entitled unto, except ſuch ſum or ſums of money as had before the time of the paſſing the ſaid act been really and *bona fide* applied to the payment of his debts or legacies, and ſuch part of his perſonal eſtate as had been *bona fide*, and for valauble conſideration ſold, and alſo all the manors, lands, tenements, and hereditaments, rents, reverſions, remainders, uſes, and truſts, which the ſaid John Wilcocks and John Dawſon, or either of them, were upon the third day of March one thouſand ſeven hundred and fifty five, or ſince ſeized of or entitled unto in fee ſimple, or fee tail, or for life or lives, either in law or equity, and alſo all debts which had not been theretofore really and *bona fide* paid or diſcharged, and were then due to them or either of them as partners with each other, or to the ſaid John Willcocks as partner with the ſaid Joſeph Fade and Iſachar Willcocks, or to the ſaid John Willcocks as partner with the ſaid Joſeph Fade, and otherwiſe, all other the eſtate real and perſonal, of which the ſaid John Willcocks and John Dawſon, or either of them, was or were ſeized, poſſeſſed of, intereſted in, or entitled unto on the ſaid third day of March one thouſand ſeven hundred and fifty five, or afterwards, except ſuch ſum or ſums of money as had before the paſſing of the ſaid act been really and *bona fide* applied to the payment of their or either of their debts, or expended in ſuits or other buſineſs relative to the ſaid eſtates of the ſaid John Willcocks and John Dawſon, or in the coſts or expences of paſſing the ſaid act, or in the neceſſary charges of their cloathing, maintenance, and houſe-keeping, and alſo except ſuch part of their or either of their perſonal eſtates as had been before the paſſing of the ſaid act *bona fide* and for valuable conſideration ſold; and alſo all the manors, lands, tenements, and hereditaments, rents, reverſions, remainders, uſes, and truſts, which the ſaid Richard Brewer was ſeized, poſſeſſed of, intereſted in, or entitled unto, on the twelfth day of February one thouſand ſeven hundred and fifty five, or afterwards, except ſuch ſum and ſums of money as had been before the paſſing of the ſaid act of Parliament really and *bona fide* applied to the payment of his debts, or expended in the neceſſary

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of, or intereſted in, or intitled unto, on the third day of March one thouſand ſeven hundred and fifty five, or at any time ſince, without any wilful concealment or omiſſion, (the neceſſary wearing apparel of the ſaid John Willcocks and John Dawſon only excepted) and that the ſaid John Willcocks and John Dawſon ſhould reſpectively, upon notice to them reſpectively given by the ſaid commiſſioners or any three or more of them, within ten days after ſuch notice ſerved deliver unto the ſaid commiſſioners, or any three or more of them, all mortgages, bills, bonds, notes, and ſecurities, which belonged to the ſaid banks, or any or either of them, or to the ſaid John Willcocks and John Dawſon in their reſpective rights, and all books of accounts in their cuſtody or power reſpectively, and that it ſhould be lawful to and for the ſaid commiſſioners, or any three or more of them, to examine from time to time, and as often as they ſhould ſee occaſion, the ſaid John Willcocks and John Dawſon upon oath or ſolemn affirmation concerning the reſpective eſtates real and perſonal by the ſaid act veſted, or intended to be veſted, in the ſaid aſſignees; and that upon the ſaid John Willcocks and John Dawſon reſpectively delivering or giving in ſuch account as aforeſaid to the ſatisfaction of the ſaid commiſſioners, or any three or more of them, and upon their reſpectively delivering or cauſing to be delivered to the ſaid commiſſioners, or any three or more of them, all their reſpective eſtates and effects, or ſo much thereof as at the times of ſuch examination ſhould be in their reſpective cuſtody or power, to be applied to the uſes of the ſaid act of Parliament, and upon their reſpectively delivering in or cauſing to be delivered to the ſaid commiſſioners, or any three or more of them, all the reſpective title-deeds and ſecurities for money, which at the time of ſuch examination ſhould be in their reſpective cuſtody or power, and upon their making reſpectively a true and faithful diſcovery to whom, upon what account, and for what conſideration, the reſidue of the ſaid reſpective eſtates and effects had been diſpoſed of, then and in ſuch a caſe it ſhould and might be lawful to and for the ſaid commiſſioners, or any three or more of them, to certify under their hands and ſeals the conformity to the directions of the ſaid act of Parliament; and ſuch of them, the ſaid John Willcocks and John Dawſon, who ſhould ſo conform as aforeſaid, and that ſuch of them, the ſaid John Willcocks and John Dawſon, who ſhould obtain ſuch certificate of ſuch conformity as aforeſaid, and all ſuch eſtate as the perſon or perſons obtaining ſuch certificate ſhould any way have, purchaſe, or acquire after the obtaining ſuch certificate, ſhould be abſolutely freed and diſcharged of and from all ſum and ſums of money due and owing to any perſon whatſoever:

whatſoever: and whereas in and by the ſaid act of Parliament all and ſingular the manors, lands, tenements, and hereditaments, rents, reverſions, remainders, uſes, and truſts, which the ſaid Joſeph Fade was at the time of his death ſeized of or intitled unto in fee ſimple, fee tail, or for life or lives, either in law or equity, and all debts which had not theretofore been *bona fide* paid or diſcharged, and were then due to him, or which he was intitled unto, and likewiſe all other the eſtate real and perſonal, which the ſaid Joſeph Fade died ſeized, poſſeſſed of, or intereſted in, or entitled unto, except ſuch ſum or ſums of money as had before the time of the paſſing the ſaid act been really and *bona fide* applied to the payment of his debts or legacies, and ſuch part of his perſonal eſtate as had been *bona fide*, and for valauble conſideration ſold, and alſo all the manors, lands, tenements, and hereditaments, rents, reverſions, remainders, uſes, and truſts, which the ſaid John Wilcocks and John Dawſon, or either of them, were upon the third day of March one thouſand ſeven hundred and fifty five, or ſince ſeized of or entitled unto in fee ſimple, or fee tail, or for life or lives, either in law or equity, and alſo all debts which had not been theretofore really and *bona fide* paid or diſcharged, and were then due to them or either of them as partners with each other, or to the ſaid John Willcocks as partner with the ſaid Joſeph Fade and Iſachar Willcocks, or to the ſaid John Willcocks as partner with the ſaid Joſeph Fade, and otherwiſe, all other the eſtate real and perſonal, of which the ſaid John Willcocks and John Dawſon, or either of them, was or were ſeized, poſſeſſed of, intereſted in, or entitled unto on the ſaid third day of March one thouſand ſeven hundred and fifty five, or afterwards, except ſuch ſum or ſums of money as had before the paſſing of the ſaid act been really and *bona fide* applied to the payment of their or either of their debts, or expended in ſuits or other buſineſs relative to the ſaid eſtates of the ſaid John Willcocks and John Dawſon, or in the coſts or expences of paſſing the ſaid act, or in the neceſſary charges of their cloathing, maintenance, and houſe-keeping, and alſo except ſuch part of their or either of their perſonal eſtates as had been before the paſſing of the ſaid act *bona fide* and for valuable conſideration ſold; and alſo all the manors, lands, tenements, and hereditaments, rents, reverſions, remainders, uſes, and truſts, which the ſaid Richard Brewer was ſeized, poſſeſſed of, intereſted in, or entitled unto, on the twelfth day of February one thouſand ſeven hundred and fifty five, or afterwards, except ſuch ſum and ſums of money as had been before the paſſing of the ſaid act of Parliament really and *bona fide* applied to the payment of his debts, or expended in the neceſſary

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charges of the cloathing and maintenance of the ſaid Richard Brewer, his wife and children, or in ſuits relative to the ſaid eſtates of the ſaid Richard Brewer, or defence of his perſon or eſtate, and except ſuch part of his perſonal eſtate as before the paſſing of the ſaid act had been *bona fide* and for a valuable conderation ſold, were veſted in the ſeizin and poſſeſſion of George Rochfort and Theobald Wolfe eſquires, and Robert Clibborn merchant, being aſſignees appointed for the intereſts and purpoſes in the ſaid act of Parliament mentioned, their heirs, executors, and adminiſtrators, in ſuch manner as is in the ſaid act of Parliament mentioned, which ſaid aſſignees, or two of them, were thereby authorized to ſell and diſpoſe of the ſaid real and perſonal eſtates, or ſo much thereof as ſhould be neceſſary for the ſeveral purpoſes therein after mentioned, and to call in, ſue for, recover, or compound, the ſaid debts due to the ſaid Joſeph Fade, John Willcocks, John Dawſon, and Richard Brewer, or to any or either of them, in truſt to apply the money ariſing thereby, in ſuch manner as is therein after directed: and whereas the ſaid John Willcocks and John Dawſon, being of the people called quakers, did, upon their ſolemn affirmation, reſpectively deliver into the ſaid commiſſioners upon the firſt day of December one thouſand ſeven hundred and fifty ſix a true, exact, and particular account of their ſaid reſpective real and perſonal eſtates, and did, purſuant to the directions of the ſaid act deliver unto the ſaid commiſſioners all their reſpective real and perſonal eſtates and effects, which then were in their cuſtody or power, to the ſatisfaction of the ſaid commiſſioners, to be applied to the uſes of the ſaid act of Parliament, and did alſo deliver unto the ſaid commiſſioners all the reſpective title deeds and ſecurities for money, which were in their or either of their cuſtody or power, and did make a true and faithful diſcovery to whom, upon what account, or for what conſideration, the reſidue of their ſaid reſpective eſtates and effects had been diſpoſed of; and the ſaid John Willcocks and John Dawſon reſpectively conformed to the directions of the ſaid act of Parliament; whereupon the ſaid commiſſioners did on the twenty ninth day of October, in the year one thouſand ſeven hundred and ſixty certify under their hands and ſeals the conformity of the ſaid John Willcocks and John Dawſon to the directions of the ſaid act of Parliament: and whereas the ſaid Richard Brewer did upon his oath deliver into the ſaid commiſſioners before the firſt day of December one thouſand ſeven hundred and fifty ſix an account by him ſworn before the ſaid commiſſioners to be a true, exact, and particular account of his real and perſonal eſtate: and whereas the ſaid John Willcocks and John Dawſon did purſuant

to

to the ſaid act of Parliament on behalf of themſelves and their creditors before the firſt day of December one thouſand ſeven hundred and fifty ſix before the ſaid commiſſioners exhibit a claim againſt the ſaid Richard Brewer for the ſums due to them by the ſaid Richard Brewer, which claim the ſaid commiſſioners did purſuant to the directions of the ſaid act receive, examine, and determine before the firſt day of January one thouſand ſeven hundred and fifty eight, and did thereupon adjudge, decree, and determine, that the ſaid Richard Brewer was indebted to the ſaid John Willcocks and John Dawſon on behalf of themſelves and their creditors in the ſum of ſixty ſeven thouſand one hundred and one pounds ſixteen ſhillings and ſeven pence half-penny: and whereas the ſaid commiſſioners, before the firſt day of January one thouſand ſeven hundred and fifty eight, did examine and determine purſuant to the directions of the ſaid act of Parliament all ſuch claims and demands upon or out of all or any of the ſaid real and perſonal eſtates, veſted as aforeſaid in the ſaid aſſignees, which had been entered, and exhibited, and proceeded upon purſuant to the ſaid act of Parliament: and whereas the eſtates and effects real and perſonal of the ſaid Richard Brewer, mentioned and ſpecified in and by the ſaid account returned by him upon oath to the ſaid commiſſioners, is not near ſufficient to pay and ſatisfy to the creditors of the ſaid Richard Brewer the ſums of money adjudged to them by the ſaid commiſſioners upon their ſeveral and reſpective claims, and alſo the ſaid ſum of ſixty ſeven thouſand one hundred and one pounds ſixteen ſhillings and ſeven pence half-penny, adjudged to be due by the ſaid Richard Brewer to the ſaid John Willcocks and John Dawſon: and whereas the ſaid aſſignees did in part execute the ſeveral truſts by the ſaid act of Parliament repoſed in them, and have ſold and diſpoſed of ſeveral parts of the ſaid real and perſonal eſtates, and have called in, ſued for, recovered, and compounded ſeveral of the ſaid debts, which were due to the ſaid Joſeph Fade, John Willcocks, John Dawſon, and Richard Brewer reſpectively, and have out of the money ariſing by the real and ſeparate perſonal eſtate of the ſaid Joſeph Fade, and by the bank and partnerſhip eſtate and effects of the ſaid Joſeph Fade, paid and ſatisfied all the ſeparate debts, and alſo all the bank and partnerſhip debts of the ſaid Joſeph Fade, which were due at the time of his death, and remained unpaid, and which ſaid debts were claimed and adjudged purſuant to the ſaid act of Parliament: and the ſaid aſſignees have out of the ſaid ſeparate eſtate and effects of the ſaid John Willcocks and John Dawſon paid to their reſpective ſeparate creditors their ſeveral ſeparate debts, which were claimed and adjudged purſuant to the

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ſaid act of Parliament, and have out of the reſidue of the ſaid eſtates and effects of the ſaid Joſeph Fade, John Willcocks, and John Dawſon, veſted as aforeſaid in the ſaid aſſignees, paid by ſeveral payments to ſuch of the ſaid bank creditors, as have called for the ſame, fifteen ſhillings and four pence in the pound of their principal debts, adjudged to them purſuant to the ſaid act of Parliament: and whereas the ſaid aſſignees have made up and delivered to the ſaid commiſſioners a juſt and fair account of all the ſums by them received out of the eſtates by the ſaid act of Parliament veſted in them, and of the payments and diſburſements by them made in purſuance of the ſaid act of Parliament, which account hath been proceeded upon, examined, and ſettled by the ſaid commiſſioners in the manner directed by the ſaid act of Parliament: and whereas there ſtill remains in the hands of the ſaid aſſignees unapplied and undiſpoſed of certain ſums of money, which have been raiſed by them out of the eſtates ſo veſted in them as aforeſaid, and the ſaid aſſignees for the benefit and advantage of the ſaid bank creditors have taken new and more effectual ſecurities for the payment at future times of ſeveral of the debts, which were veſted in them by the ſaid act of Parliament, which ſecurities ſtill remain unſatisfied in the hands of the ſaid aſſignees; and there alſo remain veſted in the ſaid aſſignees ſeveral unſatisfied ſecurities and debts, which were due to the ſaid Joſeph Fade, John Willcocks, John Dawſon, and Richard Brewer reſpectively: and whereas there is great reaſon to apprehend, that the fund for payment of the ſaid bank creditors will not be ſufficient to ſatisfy the principal money remaining due to them reſpectively, and that there will be a great length of time, before there can be a ſufficiency of the ſaid fund collected and called in to pay the ſaid bank creditors to the amount, with what they have already received, of eighteen ſhillings in the pound of their ſaid principal debts: and whereas it hath been propoſed to the ſaid bank creditors by Robert Birch of the city of Dublin merchant, that for the more ſpeedy payment to them the ſaid bank creditors to the amount, with what they have already received, of eighteen ſhillings in the pound in full ſatisfaction of their ſaid principal debts, that in caſe all the real and perſonal eſtates and effects of the ſaid Joſeph Fade, which now remain unapplied and undiſpoſed of by the ſaid aſſignees, and alſo all the reſpective real and perſonal eſtates and effects of the ſaid John Willcocks and John Dawſon, mentioned and ſpecified in the ſaid account delivered in by them to the ſaid commiſſioners, which now remain unapplied and undiſpoſed of by the ſaid aſſignees, and alſo all the real and perſonal eſtates and effects of the ſaid Richard Brewer now remaining unapplied and undiſ-

poſed of, and alſo all ſums of money now in the hands or power of the ſaid aſſignees, or two of them, which hath ariſen from or out of the ſaid eſtates and effects ſo veſted in them as aforeſaid, or any part, or part or parts thereof, and now remains undiſpoſed and unapplied to the uſes of the ſaid act, and alſo all the ſaid new ſecurities taken as aforeſaid by the ſaid aſſignees which remain unſatisfied, be transferred unto and veſted in him the ſaid Robert Birch, his heirs, executors, and adminiſtrators, that he the ſaid Robert Birch will on or before the twenty fifth day of March one thouſand ſeven hundred and ſixty five by and out of the ſaid eſtates and effects of the ſaid Joſeph Fade, John Willcocks, and John Dawſon, and the money ſtill undiſpoſed which hath ariſen from the ſame, and the ſaid new ſecurities which have been taken for any part or parts thereof ſo to be transferred unto and veſted in him the ſaid Robert Birch, or by or out of the proper eſtate and effects real and perſonal of him the ſaid Robert Birch, pay and ſatisfy unto each and every of the ſaid bank creditors to the amount, with what they have already received, of eighteen ſhillings in the pound of their ſaid principal debt, which have been adjudged to them by the ſaid commiſſioners purſuant to the directions in the ſaid act of Parliament; and that he the ſaid Robert Birch, his heirs, executors, and adminiſtrators, will make ſuch application of the eſtates and effects of the ſaid Richard Brewer, ſo to be veſted in him the ſaid Robert Birch, his heirs, executors, and adminiſtrators, as is herein after mentioned and directed concerning the ſame: and whereas at a meeting of a majority in value of the ſaid bank creditors, and the ſaid aſſignees, and the ſaid John Willcocks and John Dawſon, the ſaid propoſal of the ſaid Robert Birch was taken into their conſideration and approved of by them as advantageous to the ſaid bank creditors: wherefore for the more effectual carrying the ſaid recited act of Parliament into execution, and alſo in conſideration that the ſaid Robert Birch hath paid a conſiderable ſum of money on account of the indenture of the twenty fourth day of March in the year one thouſand ſeven hundred and fifty ſix, mentioned in the ſaid act of Parliament, and having in purſuance thereof paid a large ſum of money to the ſaid aſſignees, be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, at the humble petition of your Majeſty's moſt dutiful ſubjects, Joſhua Paul eſquire, dame Elinor Bradſtreet, executrix and deviſee of the perſonal eſtate of ſir Simon Bradſtreet baronet, deceaſed, James Dunn eſquire, Thomas Cooke and Hans Bailie aldermen, and Richard Phepoe merchant,

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in behalf of themſelves, and the other creditors of the ſaid bank, and of the aſſignees appointed by act of Parliament for the relief of the ſaid creditors, and of the ſaid John Willcocks and John Dawſon, that all the eſtates and effects real and perſonal of the ſaid Joſeph Fade, which now remain unapplied and undiſpoſed of by the ſaid aſſignees, and alſo all the reſpective real and perſonal eſtates and effects of the ſaid John Willcocks and John Dawſon, mentioned and ſpecified in the ſaid account delivered in by them to the ſaid commiſſioners, which now remain unapplied and undiſpoſed of by the ſaid aſſignees, and alſo all the real and perſonal eſtates and effects of the ſaid Richard Brewer now remaining unapplied and undiſpoſed of, alſo all ſums of money now in the hands or power of the ſaid aſſignees or two of them, which hath ariſen from or out of the ſaid eſtates and effects ſo veſted in them as aforeſaid, or any part or parts thereof, and now remains unapplied and undiſpoſed of to the uſes of the ſaid act, and alſo all the ſaid new ſecurities taken as aforeſaid by the ſaid aſſignees which remain unſatisfied, and alſo the full benefit and advantage of the ſaid decree or adjudication of the ſaid commiſſioners for the ſum of ſixty ſeven thouſand one hundred and one pound ſixteen ſhillings and ſeven pence half-penny againſt the ſaid Richard Brewer, and all debts and ſecurities for debts which were due and owing to the ſaid Joſeph Fade, John Willcocks, John Dawſon, and Richard Brewer, or to any three, or two, or any one of them, and which ſtill remain due and unſatisfied, be veſted and declared to be veſted in the ſeizen and poſſeſſion of the ſaid Robert Birch, his heirs, executors, and adminiſtrators, in as full and ample manner to all intents and purpoſes as the ſame are or were veſted in the ſaid aſſignees by the ſaid act of the twenty ninth year of the reign of his late Majeſty King George the ſecond or otherwiſe, upon truſt nevertheleſs and to the intent and purpoſe that the ſaid Robert Birch ſhall make ſuch application thereof, as is herein after mentioned concerning the ſame.

All eſtates and effects of Joſeph Fade undiſpoſed by the aſſignees, and of Willcocks and Dawſon in the account delivered, and of Richard Brewer, and all money in hands of aſſignees ariſing thereout, and all new ſecurities unſatisfied, and benefit of adjudication againſt Richard Brewer, and all debts and ſecurities due to Fade, Willcocks, Dawſon, and Brewer, veſted in Robert Birch on truſt.

II. And be it further enacted by the authority aforeſaid, That the ſaid commiſſioners and aſſignees, in the ſaid recited act named, do and ſhall with all convenient ſpeed after the paſſing of this act deliver or cauſe to be delivered over by their reſpective regiſter or regiſter's clerk or clerks and agents to the ſaid Robert Birch all books, papers, writings, deeds, ſecurities, and evidences, which are in their or any of their cuſtody or power, any way relating to the aforeſaid real or perſonal eſtates hereby veſted in the ſaid Robert Birch, his heirs, executors, or adminiſtrators, or any part or parts thereof, or any way concerning all or any of the proceedings and adjudications of the ſaid

Commiſſioners and aſſignees to deliver to Birch all evidences, &c. relating to ſaid eſtates,

ſaid commiſſioners in execution of the truſts repoſed in them by the ſaid recited act of Parliament, or any wiſe relating thereunto, that are in the power, cuſtody, or poſſeſſion of the ſaid commiſſioners and aſſignees, or any of them, or any other perſon or perſons employed by them, except the book or books wherein are entered the claims made by the creditors and the adjudications made thereon by the ſaid commiſſioners purſuant to the directions of the ſaid recited act.

except the book of claims by creditors and adjudications thereon.

III. And be it enacted by the authority aforeſaid, That the ſaid commiſſioners in the ſaid recited act named, or three or more of them, ſhall with all convenient ſpeed after the paſſing of this act cauſe a fair copy to be made of the ſaid book or books containing the entries of the ſaid claims and adjudications, which ſaid copy ſhall be ſigned by them or three or more of them, and deliver or cauſe the ſame to be delivered to the ſaid Robert Birch to be by him kept for his own uſe, which ſaid copy ſo ſigned by the ſaid commiſſioners or three or more of them ſhall have the ſame force and effect, and ſhall be conſidered as full and ſufficient evidence of ſuch entries, as the ſaid original book or books; and that the ſaid commiſſioners, or three or more of them, ſhall with the like convenient ſpeed after the paſſing of this act deliver unto and depoſite with the ſaid John Willcocks and John Dawſon, or the ſurvivor of them, the ſaid original book or books containing the ſaid entries of the ſaid claims, to be kept by the ſaid John Willcocks and John Dawſon, and the ſurvivor of them, for the uſe and benefit of the ſaid creditors; and that all and every of the ſaid creditors ſhall and may at all reaſonable times have free acceſs to and inſpect the ſame, and have ſuch other uſe thereof, as ſhall or may be requiſite to prove their or any of their debts, adjudged to them by the ſaid commiſſioners as aforeſaid.

Copy thereof to Birch as full evidence as the original,

the original to Willcocks and Dawſon for uſe of the creditors.

IV. And be it further enacted by the authority aforeſaid, That the ſaid commiſſioners and aſſignees in the ſaid recited act named, and the ſaid John Willcocks and John Dawſon, and their and every of their heirs, executors, and adminiſtrators, and their reſpective eſtates real and perſonal, may be hereby adjudged and declared to be abſolutely freed and diſcharged of and from all and every of the ſaid truſts, and of and from all claims and demands whatſoever that can or may be made to or upon them, or any of them, for or on account, or by reaſon, or in conſequence of any decree, adjudication, order, opinion, or direction pronounced, made, or given by the ſaid commiſſioners, or any of them, or on account, or by reaſon, or in conſequence of what the ſaid aſſignees in the ſaid recited act named, or the ſaid John Willcocks and John Dawſon, or any of them, did or

Said truſts diſcharged, & all claims or demands in conſequence thereof,

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omitted to do in execution of the ſaid recited act, or any order or direction thereby given; and alſo of and from all claims and demands whatſoever that can or may be made to or upon them, or any of them, for or by reaſon or in conſequence of the neglect, default, or miſbehaviour of any perſon or perſons whatſoever employed by them or any of them in the execution of the ſaid recited act; and alſo of and from all claims and demands whatſoever that can or may be made to or upon them, or any of them, for or by reaſon or in conſequence of any compoſition or compoſitions, made or entered into by the ſaid aſſignees for or concerning any of the eſtates real or perſonal veſted in them as aforeſaid by the ſaid recited act; or for, or by reaſon, or in conſequence of the neglect, miſbehaviour, or inſolvency of any agent or agents, receiver or receivers, named, employed, or appointed by them the ſaid aſſignees or any of them to collect or receive the debts or any part thereof, which had been veſted as aforeſaid in the ſaid aſſignees; or the money for which the eſtates or any part or parts of them, veſted as aforeſaid in the ſaid aſſignees, was or were ſold; and that in any ſuit now depending, or which may ariſe either in law or equity, touching or concerning any of the matters aforeſaid, or any part of the real or perſonal eſtates by the ſaid recited act veſted in the ſaid aſſignees, or the diſpoſal or application thereof or any part or parts thereof by the ſaid aſſignees, or any of them, it ſhall not be neceſſary to make the ſaid aſſignees or any of them, or the ſaid John Willcocks and John Dawſon, or either of them, their or any of their heirs, executors, or adminiſtrators, or the creditors of the ſaid late bankers, or of Richard Brewer, or of any of them, parties or party; but that in every ſuch ſuits the ſaid Robert Birch, his heirs, executors, and adminiſtrators, ſhall be in their places; and that all ſuits heretofore commenced and now depending in any way relative to the premiſſes, may and ſhall by leave of the reſpective courts, wherein ſuch ſuits do depend, be proſecuted and defended in the name of the ſaid Robert Birch, his heirs, executors, adminiſtrators, or aſſigns, or in the name of ſuch nominee of the ſaid Robert Birch, as is herein after mentioned.

All ſuits proſecuted or defended in name of Birch or his nominee.

V. And be it further enacted by the authority aforeſaid, That the ſaid Robert Birch, his heirs, executors, or adminiſtrators, ſhall pay and ſatisfy all the coſts and expences of paſſing this act, and all diſburſements relating thereto, and all bill and bills of coſts which remain due and unpaid to any agent or agents, attorney or attorneys, ſollicitor or ſollicitors, heretofore nominated or appointed by the ſaid aſſignees in the ſaid recited act named, or by any two or more of them, to proſecute or defend any

Birch to pay expences of this act and all bills of coſt due.

ſuit or ſuits at law or in equity relative to the eſtates real or perſonal thereby veſted or intended to be veſted in them.

Power to Birch to ſue for or compound debts,

VI. And be it further enacted by the authority aforeſaid, that the ſaid Robert Birch, his heirs, executors, or adminiſtrators, ſhall and may at his and their own proper coſts and charges call in and receive, or ſue for, or recover, or compound, all or any of the debts due on the ſecurities hereby veſted in him; and alſo take and receive, or ſue for and recover, at his and their like coſts and charges the poſſeſſion of all or any of the lands, tenements, hereditaments, and premiſſes hereby veſted in him, or the rents and profits thereof; and that all ſuits either at law or in equity for that purpoſe may be commenced and proſecuted in the name or names of any perſon or perſons to be nominated for that purpoſe by the ſaid Robert Birch, his heirs, executors, or adminiſtrators; and that all proceedings in the name or names of ſuch perſon or perſons ſo to be nominated ſhall be as good and effectual to all intents and purpoſes, as if ſuch ſuits and proceedings had been carried on in the name of the ſaid Robert Birch, his heirs, executors, or adminiſtrators; and in caſe of the death of any perſon or perſons ſo nominated another perſon or perſons ſhall or may be nominated by the ſaid Robert Birch, his heirs, executors, or adminiſtrators; and ſuch ſuit or ſuits ſhall not abate by the death of any ſuch perſon or perſons, but ſhall proceed in the name or names of ſuch other perſon or perſons, as ſhall be nominated as aforeſaid.

take poſſeſſion of lands,

and nominate perſons to carry on ſuits,

And defray all expences of Willcocks, Dawſon or aſſignees, if made parties, unleſs occaſioned by wilful default,

VII. Provided always, and be it enacted by the authority aforeſaid, That the ſaid Robert Birch, his heirs, executors, and adminiſtrators, ſhall bear and defray all coſts, charges and expences, which the ſaid John Willcocks and John Dawſon, or either of them, or the ſaid aſſignees named or appointed in and by the ſaid recited act of Parliament, or any of them, ſhall or may hereafter be put to for, or by reaſon, or in conſequence of, their or any of their being made party or parties, defendant or defendants, to any ſuit or ſuits either at law or equity, which are already commenced or may hereafter be inſtituted for, or concerning, or any way relating to, all or any of the eſtates or effects hereby veſted or intended to be veſted in the ſaid Robert Birch, his heirs, executors, or adminiſtrators, except only ſuch coſts, charges, or expences, as may hereafter be occaſioned by any wilful default of them the ſaid John Willcocks, John Dawſon, and the ſaid aſſignees, or any of them; and that he the ſaid Robert Birch, his heirs, executors, or adminiſtrators, ſhall in lieu and ſatisfaction thereof have and receive to his and their own uſe all ſuch coſts, charges, and expences, as in the progreſs or event of ſuch ſuit or ſuits at law or in equity ſhall be adjudged,

and have all coſts adjudged to them.

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judged, ordered, or decreed to the ſaid John Willcocks and John Dawſon, or either of them, or to the ſaid aſſignees, or any of them.

No privilege of Parliament, ſave as to perſon, to thoſe ſued by Birch.

VIII. And be it further enacted by the authority aforeſaid, That no perſon or perſons, who ſhall be ſued either at law or in equity by the ſaid Robert Birch, his heirs, executors, or adminiſtrators, or by any perſon or perſons to be appointed by him or them, or any of them, to ſue as aforeſaid by virtue of all or any of the powers given by this act, ſhall have any privilege as member or members of either houſe of Parliament, ſaving as to the perſons of ſuch members, any thing herein before contained, or any law, uſage, or cuſtom to the contrary thereof in any wiſe notwithſtanding.

Nor ſtat. of limitation allowed in bar,

IX. And be it further enacted by the authority aforeſaid, That the ſaid Robert Birch, his heirs, executors, and adminiſtrators, whilſt the ſaid eſtates, ſecurities, or debts, or any of them, remain veſted in him, or them, or any of them by virtue of this act, ſhall be at liberty to ſue for in manner aforeſaid and recover the ſaid eſtates and the rents thereof, and the money ſecured by and due and owing on the ſaid ſeveral ſecurities, and the debts due on them, or any of them, notwithſtanding any ſtatute or ſtatutes of limitation heretofore made to the contrary; and that no ſtatute of limitation ſhall be pleaded, inſiſted or relied on, or any way allowed or made uſe of, in any court of law or equity to bar or in any ſort affect the ſaid eſtates, ſecurities, or debts, or any of them, whilſt the ſame or any of them have been veſted in the ſaid aſſignees in the ſaid recited act mentioned, or whilſt the ſame or any of them ſhall remain veſted in the ſaid Robert Birch, his heirs, executors, or adminiſtrators, by virtue hereof.

Save ſuch benefit thereof as at paſſing 29 *G.* 2. 22.

X. Provided always, and be it enacted by the authority aforeſaid, That nothing in this act contained ſhall extend or be conſtrued to extend to bar, hinder, or prevent any perſon whatſoever from having ſuch benefit and advantage of the ſtatutes of limitation or any of them, as ſuch perſon had or might have had at the time of paſſing the ſaid recited act, in as ample and beneficial a manner as if this act had never been made.

Birch by 25 March 1765 out of the eſtate and effects veſted and his own to make up to the bank-creditors 18*s.* *per* l. in full of their debts adjudged.

XI. And be it further enacted by the authority aforeſaid, That the ſaid Robert Birch, his heirs, executors, or adminiſtrators, do and ſhall on or before the twenty fifth day of March, which will be in the year of our Lord one thouſand ſeven hundred and ſixty five, by and out of the eſtate and effects of the ſaid Joſeph Fade, John Willcocks, and John Dawſon, and the money ſtill undiſpoſed of which hath ariſen from the ſame, and the ſaid new ſecurities which have been taken for any part or

parts

parts thereof, hereby veſted in him the ſaid Robert Birch, his heirs, executors, and adminiſtrators, and by and out of the proper eſtate and effects real and perſonal of him the ſaid Robert Birch, pay and ſatisfy unto each and every of the ſaid bank creditors, ſuch ſum and ſums of money, as will with the payments, already made to them reſpectively by the aſſignees in the ſaid recited act named, make up and amount to the ſum of eighteen ſhillings in the pound in full ſatisfaction of their and each of their ſeveral and reſpective principal debts, which were adjudged to them by the ſaid commiſſioners purſuant to the directions in the ſaid recited act; and in caſe the ſaid Robert Birch, his heirs, executors, and adminiſtrators, ſhall neglect to pay to any of the ſaid bank creditors to the amount aforeſaid, when the ſame ſhall be demanded of him the ſaid Robert Birch, his heirs, executors, or adminiſtrators, upon the ſaid twenty fifth day of March, in the year one thouſand ſeven hundred and ſixty five, or at any time within three years afterwards, that then and in ſuch caſe it ſhall and may be lawful to and for each and every of the ſaid bank creditors, to whom the ſaid Robert Birch, his heirs, executors, and adminiſtrators ſhall neglect to make payment to the amount aforeſaid, to ſue for and recover from the ſaid Robert Birch, his heirs, executors, or adminiſtrators by action of debt in any of his Majeſty's Four-courts in Dublin, wherein no eſſoin, privilege, protection, or wager of law ſhall be allowed, or in a ſummary way by Engliſh bill, or paper petition, to be heard and determined by the Recorder of the city of Dublin, in ſuch manner as is directed in and by an act of Parliament paſſed in this kingdom, in the thirty firſt year of the reign of his late Majeſty King George the ſecond, intituled, *An act for the recovery of ſmall debts in a ſummary way in the city of Dublin and the liberties thereof*, ſuch ſum or ſums of money as he and they ſhall neglect to pay as aforeſaid, and alſo the full coſts and charges which ſhall be laid out or expended in or about the proſecuting ſuch ſuit or ſuits, together with the lawful intereſt of ſuch ſum or ſums of money, as he the ſaid Robert Birch, his heirs, executors, or adminiſtrators, ſhall neglect to pay as aforeſaid; which intereſt ſhall be computed and commence at and from the time of ſuch demand as aforeſaid being made to or upon the ſaid Robert Birch, his heirs, executors, or adminiſtrators, until the ſame ſhall be recovered as aforeſaid.

on default of payment bank-creditors may by DEBT or civil bill purſuant to 31 *G.* 2. 16. recover with coſts and intereſt from demandant.

XII. And be it further enacted by the authority aforeſaid, That the aforeſaid ſeveral and reſpective ſums of money to be paid as aforeſaid by the ſaid Robert Birch, his heirs, executors, or adminiſtrators, to the ſaid ſeveral and reſpective

Said ſums a lien on real eſtate of Birch till diſcharged.

bank creditors, ſhall immediately from and after the paſſing of this act be a lien, and charged and chargeable upon all the real eſtate of him the ſaid Robert Birch, until the ſame ſhall be paid to the ſaid reſpective bank creditors, or be otherwiſe barred or diſcharged as herein after mentioned.

The net produce of Willcocks and Dawſon's eſtates above the allowance of 7 *per cent.* to them by 29 *G.* 2. 22. ſec. 38. being more than ſufficient to pay their partnerſhip-creditors 16s. *per* l. and ſaid 7 *per cent.* amounting to 300l. for each, Birch immediately to make up and pay the ſame,

XIII. And whereas in and by the ſaid recited act of the twenty ninth year of the reign of his late Majeſty King George the ſecond, it is enacted, that in caſe the net produce of the ſaid eſtates of the ſaid John Willcocks and John Dawſon ſhould over and above the allowance thereafter made be ſufficient to pay the ſaid partnerſhip creditors of the ſaid John Willcocks and John Dawſon the ſum of ſixteen ſhillings in the pound for their reſpective debts, that then each of them the ſaid John Willcocks and John Dawſon ſhould be allowed the ſum of ſeven pounds for each hundred pounds out of ſuch nett produce, to be paid by the ſaid aſſignees or two of them, ſo as ſuch ſeven pounds for each hundred ſhall not amount in the whole to above the ſum of three thouſand pounds to each of them the ſaid John Willcocks and John Dawſon: and whereas it is now manifeſt, that the nett produce of the ſaid eſtates of the ſaid John Willcocks and John Dawſon over and above the ſaid allowance are more than ſufficient to pay their ſaid partnerſhip creditors the ſum of ſixteen ſhillings in the pound for the reſpective debts, and that the ſaid ſum of ſeven pounds for each hundred pounds out of ſuch nett produce, to be paid to each of them the ſaid John Willcocks and John Dawſon as aforeſaid, doth fully amount to the ſum of three thouſand pounds for each of them: And be it therefore further enacted by the authority aforeſaid, That the ſaid Robert Birch do and ſhall immediately after the paſſing of this act pay unto each of them the ſaid John Willcocks and John Dawſon, or to their reſpective executors or adminiſtrators, ſo much money as, together with what hath been already paid and allowed unto each of them the ſaid John Willcocks and John Dawſon by the ſaid aſſignees, ſhall make up unto each of them the ſum of three thouſand pounds ſterling in full ſatisfaction of the aforeſaid allowance, provided for them by the ſaid recited act of Parliament.

And ſell Brewer's eſtate, ſue for and recover debts,

XIV. And be it further enacted by the authority aforeſaid, That the ſaid Robert Birch, his heirs, executors, or adminiſtrators do and ſhall with all convenient ſpeed after the paſſing of this act ſell and diſpoſe of to the beſt advantage for money all the real and perſonal eſtates of the ſaid Richard Brewer, which remains undiſpoſed of, and is hereby veſted in him the ſaid Robert Birch, his heirs, executors, and adminiſtrators, and ſhall collect,

collect, ſue for, and recover, or compound, all, or ſo much as he ſhall be able, of the debts, which were due to the ſaid Richard Brewer, and remain unſatisfied, and are hereby veſted in the ſaid Robert Birch, his executors, and adminiſtrators; and that the ſaid Robert Birch, his heirs, executors, or adminiſtrators ſhall with the money to be raiſed as aforeſaid out of the eſtates and effects real and perſonal of the ſaid Richard Brewer, which are mentioned and ſpecified in the ſaid account delivered by him to the ſaid commiſſioners, pay the debts of the ſaid Richard Brewer, which have been adjudged by the ſaid commiſſioners, and which remain unſatisfied, according to their nature, amount, and priority; and in caſe the ſame ſhall not be ſufficient for that purpoſe, that then the ſaid Robert Birch ſhall pay the claſs of ſuch creditors, where ſuch deficiency ſhall begin, rateably and in equal proportions, in ſuch manner as is in and by the ſaid recited act directed concerning the ſame.

and pay his debts adjudged, according to their nature and priority,

if a deficiency, to pay in proportion.

XV. Provided always, and be it hereby declared and enacted by the authority aforeſaid, That the ſaid Robert Birch in ſuch payments to be made as aforeſaid by and with the money to be raiſed out of the eſtates and effects real and perſonal of the ſaid Richard Brewer, which are mentioned and ſpecified in the ſaid account delivered by him to the ſaid commiſſioners, is and ſhall be conſidered as a creditor of the ſaid Richard Brewer for the ſaid ſum of ſixty ſeven thouſand one hundred and one pounds ſixteen ſhillings and ſeven pence half-penny, heretofore adjudged againſt him the ſaid Richard Brewer upon the aforeſaid claim of the ſaid Willcocks and John Dawſon; and that the ſaid Robert Birch ſhall be paid for the ſame out of the ſaid eſtate real and perſonal of the ſaid Richard Brewer in the ſame manner, rate, and in proportion, as is herein before directed with reſpect to the other creditors of the ſaid Richard Brewer.

Birch as a creditor of Brewer for 67101l. 16s. 7½d. adjudged againſt Brewer on the claim of Willcocks and Dawſon, and paid as other creditors of Brewer.

XVI. Provided nevertheleſs, and be it enacted by the authority aforeſaid, That in caſe there ſhall at any time hereafter be diſcovered any eſtate or effects of the ſaid Richard Brewer not comprized in or ſpecified by the ſaid account delivered by him in unto the ſaid commiſſioners named in the ſaid recited act, that then and in ſuch caſe, no part of the ſaid eſtate or effects of the ſaid Richard Brewer, which ſhall hereafter be ſo diſcovered, or the produce thereof, ſhall be any way applied or applicable to the payment of any part of the ſaid ſum of ſixty ſeven thouſand one hundred and one pounds ſixteen ſhillings and ſeven pence half-penny to the ſaid Robert Birch; but that the nett produce of all ſuch eſtate and effects of the ſaid Richard Brewer as ſhall hereafter be diſcovered, not exceeding in the whole the amount of ſo much money as together with the nett produce of the eſtate

No after diſcovered eſtate of Brewer not compriſed in his account delivered, applied to payment of ſaid 67101l. 16s. 7½d.

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and effects of the ſaid Richard Brewer, mentioned and ſpecified in and by the ſaid account delivered by him to the ſaid commiſſioners, ſhall make up the aforeſaid ſum of ſixty ſeven thouſand one hundred and one pounds ſixteen ſhillings and ſeven pence half-penny, ſhall be paid and applied by the ſaid Robert Birch, his heirs, executors, or adminiſtrators, to and amongſt the ſaid creditors of the ſaid Richard Brewer and the ſaid bank creditors rateably and in equal proportions of and for the ſeveral debts, which have been adjudged to them by the ſaid commiſſioners, over and above the ſum of eighteen ſhillings in the pound to be made up to the ſaid bank creditors, as is herein before directed.

Said bankers eſtates, after paying 18s. *per* l. to remain to uſe of Birch.

XVII. And be it further enacted by the authority aforeſaid, That ſuch part and parts of the ſaid eſtates real and perſonal of the ſaid Joſeph Fade, John Willcocks, and John Dawſon, hereby veſted in the ſaid Robert Birch, his heirs, executors, and adminiſtrators, or ſuch part or parts thereof as ſhall remain undiſpoſed of by the ſaid Robert Birch, his heirs, executors, or adminiſtrators, ſhall, from and after ſuch time as the ſaid Robert Birch, his heirs, executors, or adminiſtrators, purſuant to the directions of this act ſhall have paid to each and every of the ſaid bank creditors ſuch ſum and ſums of money as will with the payments already made to them reſpectively by the ſaid aſſignees in the ſaid recited act named, make up and amount to the ſum of eighteen ſhillings in the pound of their and each of their ſeveral and reſpective principal debts, which were adjudged to them by the ſaid commiſſioners purſuant to the directions in the ſaid recited act, ſhall be and remain to and for the ſole uſe, benefit, and behoof of the ſaid Robert Birch, his heirs, executors, adminiſtrators, and aſſigns, freed and diſcharged from all claims and demands, for or by reaſon of any of the debts of the ſaid Joſeph Fade, John Willcocks, and John Dawſon, or any of them.

Demand by bank creditors in 3 years after 25 March 1765, or precluded.

XVIII. And be it further enacted by the authority aforeſaid That each and every of the ſaid bank creditors ſhall in three years after the ſaid twenty fifth day of March one thouſand ſeven hundred and ſixty five make a demand, of what ſhall be then due to ſuch creditors by the ſaid Robert Birch, his heirs, executors, or adminiſtrators, by virtue of this act; and that on failure of making ſuch demand as aforeſaid, every ſuch creditor, his executors and adminiſtrators, ſhall for ever be barred and precluded from ſuing for ſuch debt either in law or equity; and that from thenceforth the eſtates real and perſonal of him the ſaid Robert Birch, his heirs, executors, and adminiſtrators, ſhall be for ever freed, exonerated,

exonerated, and diſcharged of and from the ſame, any law, uſage, or cuſtom to the contrary notwithſtanding.

A publick act.

XIX. And be it further enacted by the authority aforeſaid, That this act, and all and every clauſe and clauſes therein contained, and every part thereof, ſhall be deemed and taken notice of in all courts of law and equity in this kingdom as a publick act of Parliament.

Not to affect legatees of Fade (Dawſon excepted) proving their claim as by 29 G. 2. 22.

XX. Provided always, and be it enacted by the authority aforeſaid, That nothing in this act contained ſhall extend, or be conſtrued to extend, to affect any of the legatees or deviſees of the ſaid Joſeph Fade (the ſaid John Dawſon excepted) who have claimed and proved their demands and rights in ſuch manner, as was in and by the ſaid recited act of the twenty ninth year of the reign of his late Majeſty King George the ſecond directed, concerning the creditors of the ſaid Joſeph Fade.

Nor the right of Brewer's wife under marriage articles.

XXI. Provided alſo, and be it enacted by the authority aforeſaid, That nothing in this act contained ſhall extend, or be conſtrued to extend, to affect Mary Brewer, wife of the ſaid Richard Brewer, or to bar, defeat, or prejudice any right, claim, title, or intereſt, which ſhe the ſaid Mary hath proved in the manner directed by the ſaid recited act, that ſhe had or may have to any part of the real, freehold, or perſonal eſtates of the ſaid Richard under certain articles bearing date the day of October one thouſand ſeven hundred and forty one, alledged to be entered into and perfected by the ſaid Richard Brewer of the firſt part, Mary Maughan ſpinſter of the ſecond part, and Mary Maughan widow of the third part, previous to and in conſideration of his inter-marriage with the ſaid Mary.

Brewer diſcharged from impriſonment at ſuit of Willcocks and Dawſon, and all debts;

XXII. And whereas Richard Brewer, the late caſhier of the ſaid John Willcocks and John Dawſon, was in the month of March in the year one thouſand ſeven hundred and fifty five committed a priſoner to the Marſhalſea of the Fourt-courts at the ſuit of the ſaid John Willcocks and John Dawſon, and notwithſtanding that all the eſtates and effects real and perſonal of the ſaid Richard Brewer, which he or any perſon or perſons in truſt for him, or to his uſe or behoof, was ſeized, poſſeſſed, or intereſted in, or intitled unto, on the twelfth day of February one thouſand ſeven hundred and fifty five, or ſince, were by the ſaid act of Parliament veſted in the aſſignees therein named to and for the intents and purpoſes therein mentioned, and that no diſcovery hath been made of the ſaid Richard Brewer's having ſecreted or concealed any part of his ſaid eſtates or effects ſo veſted in the ſaid aſſignees, the ſaid Richard Brewer, ever ſince he was ſo committed to the ſaid Marſhalſea, hath been and ſtill is a priſoner

A. D. 1763. therein at the ſuit of the ſaid John Willcocks and John Dawſon: be it enacted by the authority aforeſaid, That the ſaid Richard Brewer be forthwith diſcharged from his ſaid impriſonment at the ſuit of the ſaid John Willcocks and John Dawſon; and that the perſon of the ſaid Richard Brewer be for ever diſcharged from the ballance adjudged by the commiſſioners in the ſaid act named, to have been then due by him the ſaid Richard Brewer to the ſaid John Willcocks and John Dawſon; and alſo of and from all and every debt and debts due or owing by the ſaid Richard Brewer to any perſon or perſons whatſoever; ſaving always to the King's moſt excellent Majeſty, and to all and every other perſon and perſons, bodies politick and corporate, (except the ſaid aſſignees in the ſaid recited act named, and ſuch perſon and perſons as claim or derive under the ſaid Joſeph Fade, John Willcocks, John Dawſon, and Richard Brewer, or any or either of them, and whoſe rights are herein and in the ſaid recited act before ſaved) all ſuch right, title, and intereſt, as they or any of them might have had, in caſe this act had never been made.

ſaving rights of others.

CHAP. XI.

An Act for altering and amending an Act, intituled, *An Act for amending an Act*, intituled, *An Act for Encouragement of Tillage and better Employment of the Poor; and alſo for the more effectual putting in Execution an Act*, intituled, *An Act to encourage the draining and improving of Bogs and unprofitable low Grounds, and for eaſing and diſpatching the Inland Carriage and Conveyance of Goods from one Part to another in this Kingdom, and alſo for laying ſeveral Duties upon Coaches, Berlins, Chariots, Calaſhes, Chaiſes, and Chairs, and upon Cards and Dice, and upon wrought and manufactured Gold and Silver Plate, imported into or made in Ireland, for the Purpoſes therein mentioned; and alſo for repealing the Duties payable upon the Exportation of Wool, Bay-Yarn, and Woollen-Yarn, out of this Kingdom for England.*

25 G. 2. c. 10. WHEREAS by the ſaid act herein before mentioned, the commiſſioners therein mentioned and deſcribed, were from and after the firſt day of May one thouſand ſeven hundred and fifty two, united and erected into one company, body politick or corporate, by the name, ſtile, and title of the corporation for promoting and carrying on an inland navigation in Ireland, to have perpetual ſucceſſion, with ſeveral powers and authorities which in and by the ſaid act are particularly mentioned and expreſſed: and whereas it is among other things enacted in and by the ſaid act, that the ſaid corporation, eleven or more of them

being preſent, ſhould and might hold a general court or aſſembly at ſome convenient place in the city of Dublin four times in every year on the following days, that is to ſay, on every Monday immediately next after the firſt day of May, every firſt day of Auguſt, every firſt day of November, and every firſt day of February, reſpectively, and oftner as the ſaid corporation, eleven or more of them being preſent, ſhould ſee occaſion; and that the ſaid corporation, eleven or more of them being preſent, might and ſhould at their general quarters meeting, which ſhould be held the Monday after the firſt day of February next enſuing the paſſing the ſaid act, and ſo on Monday next after the firſt day of February in every ſucceeding year, conſtitute and appoint out of and from themſelves twenty four commiſſioners to be called aſſiſtants, which ſaid aſſiſtants were to be choſen in manner, as by the ſaid act is directed; and the ſaid aſſiſtants for the time being, or any five or more of them, were thereby impowered to meet and aſſemble themſelves together at one of the two places, where the ſaid corporation had uſually met in the city of Dublin, (to wit) his Majeſty's caſtle of Dublin or the Parliament houſe, and as often as they ſhould think proper: and whereas the two places mentioned and appointed by the ſaid recited act for the meeting and aſſembling of the ſaid aſſiſtants, or any five or more of them, (to wit) his Majeſty's caſtle of Dublin or the Parliament houſe, have been found inconvenient: be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the paſſing of this act it ſhall and may be lawful to and for the ſaid twenty four commiſſioners or aſſiſtants for the time being, or any five or more of them, from time to time and as often as they ſhall think proper, to meet and aſſemble themſelves together at any convenient place in the city or county of Dublin according to their diſcretion for the purpoſe of executing all ſuch powers and authorities, as are given and granted to them by the ſaid recited act.

Commiſſioners or aſſiſtants, by 25 G. 2. 10. appointed, or any five or more, may, as often as they think fit, meet at any place in city or county of Dublin for executing ſaid act.

II. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid corporation for promoting and carrying on an inland navigation in Ireland to apply ſo much of the duties veſted in them by act of Parliament, as ſhall be neceſſary for building a convenient houſe within the city or county of Dublin, and furniſhing the ſame with proper accommodations for the reception of the ſaid corporation and aſſiſtants to meet and aſſemble in for putting in execution the ſeveral powers and authorities veſted in them by law; and until ſuch houſe ſhall be built and furniſhed as aforeſaid, to apply ſo much

The corporation may apply the duties in building and furniſhing a houſe in city or county of Dublin for their meeting, and in mean time for hire of a houſe.

A. D. 1763. Chap. 11.

much of the ſaid duties as ſhall be neceſſary for the rent or hire of a houſe within the ſaid city or county of Dublin fitting and proper for their accommodation.

III. And whereas the commiſſioners, appointed by the ſaid ſeveral acts for putting the ſame in execution at their ſeveral and reſpective meetings to do buſineſs are thereby diſabled from acting, unleſs eleven or more of them be preſent: and whereas the aſſembling ſo great a number to do the ordinary and neceſſary buſineſs of the ſaid corporation has been found very difficult, and great diſappointments and delays have frequently followed from a ſufficient number not meeting at the times appointed for that purpoſe: be it enacted by the authority aforeſaid, That from and after the firſt day of May next, ſeven or more of the ſaid corporation being preſent, ſhall at all times hereafter have full power and authority to do all ſuch acts, as any eleven or other quorum or number of the ſaid corporation might have done by virtue of the ſeveral ſtatutes in that caſe made and provided, except to grant money for the carrying on of works now begun or hereafter to be begun.

Seven a *quorum*, inſtead of eleven,

except to grant money for the works.

IV. And in order to enable the ſaid corporation to carry on and proſecute the works now undertaken, or hereafter to be undertaken by them, in the moſt effectual and ſufficient manner, be it enacted by the authority aforeſaid, That from and after the firſt day of May one thouſand ſeven hundred and ſixty four it ſhall and may be lawful to and for every overſeer appointed by the ſaid corporation or any ſeven or more of them to the care and direction of the works by them carried on, and for ſuch perſon or perſons as ſuch overſeer ſhall from time to time appoint by order of the ſaid corporation or any ſeven of them firſt obtained for that purpoſe, to open any quarry or quarries, gravel, or ſand, or clay-pits, or gravel, ſand, or clay-pits, and thereout to raiſe, digg, and gather ſtones, gravel, ſand, or clay in the ſeveral grounds of any perſon or perſons, not being a garden, orchard, incloſed yard, deer-park, planted-walk, or avenue to a houſe, where any ſuch materials are or may be found, and from time to time to carry away the ſame, or ſo much thereof as ſuch overſeer ſhall adjudge neceſſary, to be made uſe of in any canal, track, road, or other works undertaken or to be undertaken by the ſaid corporation, ſatisfaction being firſt made to the proprietors and occupiers of the grounds that ſhall be made uſe of or damaged thereby; which ſatisfaction, in caſe the ſame cannot be adjuſted by the parties, ſhall be finally aſcertained by a jury in ſuch manner, as by the act of the twenty fifth of his late Majeſty is directed for making ſatisfaction for ſuch grounds, as ſhall be

Overſeer or his appointee may raiſe ſtone, gravel, ſand, or clay, ſave in a garden, orchard, yard, deer-park, or avenue,

firſt making ſatisfaction, ſettled by jury as by 25 *G.* 2. 10.

be damaged in making or finiſhing any canal, or in making any river navigable.

Turnpikes may be erected on roads made along the banks, and toll taken, and applied to repair the roads, with powers to diſtrain and ſell.

V. And in order to preſerve and keep in repair the ſeveral track-roads which now are or hereafter may be made along any canal or navigable river by the direction of the ſaid corporation, be it enacted by the authority aforeſaid, That from and after the firſt day of May one thouſand ſeven hundred and ſixty four it ſhall and may be lawful to and for the ſaid corporation or any ſeven or more of them, or ſuch perſon or perſons as they or any ſeven or more of them ſhall authorize and appoint, to erect or cauſe to be erected one or more gate or gates, turnpike or turnpikes, in, upon, or acroſs any track-road or other road, which now is or hereafter by the direction and order of the ſaid corporation ſhall be made along or on the banks of any canal or navigable river, and alſo ſuch toll-houſe or toll-houſes as they ſhall judge neceſſary; and the ſaid corporation or any ſeven or more of them ſhall and may from time to time appoint ſuch toll and duties to be there demanded, received, and taken, or may compound with any perſon or perſons for the ſame, before any horſe, mare, gelding, aſs, or mule, cattle, coach, berlin, chariot, calaſh, chaiſe, chair, waggon, wain, cart, car, or other carriage, not ſerving or helping any veſſel in paſſing up or down the ſaid canal or river, ſhall be permitted to paſs through ſuch gate or turnpike, as they ſhall think fit and reaſonable; and all the tolls or duties, which ſhall be received or collected as aforeſaid, the neceſſary charges of collecting the ſame to be aſcertained by the ſaid corporation or any ſeven or more of them being firſt deducted, ſhall be applied to repair and keep up the ſaid road, and, if not wanted for that uſe, to ſuch other uſe for the benefit of the works undertaken or to be undertaken by the ſaid corporation, as the ſaid corporation or any ſeven of them ſhall think proper and convenient; and the ſaid corporation or any ſeven or more of them are hereby impowered by themſelves, or any perſon or perſons by them or any ſeven or more of them under their hands and ſeals thereunto authorized, to levy the toll or duty hereby required to be paid upon any perſon or perſons, who ſhall after demand made thereof neglect or refuſe to pay the ſame, by diſtreſs of any horſe or goods, upon which ſuch toll or duty ſhall be impoſed as aforeſaid, or upon any other of the goods or chattles of ſuch perſon or perſons who ought to pay the ſame, and may detain and keep the ſame, until ſuch toll or duty with the reaſonable charges of ſuch diſtraining or keeping ſhall be paid; and after the ſpace of five days after ſuch diſtreſs made and taken to ſell the goods ſo diſtrained, returning the overplus, if any, upon demand to the owner thereof.

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Card making as by 3 G. 2. 3. ſec. 16. allowed in Limerick.

VI. And whereas by a former act it is enacted, That no perſon or perſons ſhall during the term in the ſaid act mentioned ſet up or exerciſe the employment of making cards in any town or place in this kingdom except in the cities of Dublin or Cork: and whereas ſince the paſſing the ſaid act paper-mills have been erected in the liberties of the city of Limerick: and whereas it may contribute to the encouragement of the manufacture of paper in the ſaid city, if the like permiſſion be given to make cards in the ſaid city, as in the cities of Dublin and Cork: be it enacted by the authority aforeſaid, that from and after the firſt day of Auguſt next it ſhall and may be lawful to and for any perſon or perſons to ſet up and exerciſe the employment of making of cards in the city of Limerick or the liberties thereof upon giving ſuch notice to the collector of the port of the ſaid city, as is required by the ſaid act in the cities of Dublin and Cork; ſubject nevertheleſs to ſuch regulations, reſtrictions, and penalties, as in the ſaid act is mentioned with reſpect to card-makers in the cities of Dublin and Cork.

CHAP. XII.

An Act for continuing the Encouragement given by former Acts of Parliament to the Flaxen and Hempen Manufactures.

9 *Anne* 3. Continued to 1806, by 25 *G.* 3. c. 12. ſ. 3.

WHEREAS by an act of Parliament made in the ninth year of the reign of her late Majeſty Queen Anne, intituled, *An act to enforce ſuch acts as have been made for the improvement of the linen manufacture, and for the further regulation of the ſame*, an additional duty of one ſhilling and ſix pence *per* yard was laid on all white, painted, and ſtained callicoes, and ſix pence *per* yard on all ſorts of linen, which ſhould be imported into this kingdom within the ſpace of ſeven years, commencing from the end of the then next ſeſſion of Parliament, and from the expiration of the ſaid term of ſeven years to the end of the next ſeſſion of Parliament enſuing, to be applied to encourage the hempen and flaxen manufactures of this kingdom, and to be ſubject to the diſpoſal, order, and management of the truſtees appointed for the encouragement of the hempen and flaxen manufactures of this kingdom; which ſaid duties were further continued by an act paſſed in the ſecond year of the reign of his Majeſty King George the firſt, intituled, *An act for continuing the encouragement given by former acts of Parliament to the flaxen and hempen manufactures, and for the further improvement and regulation of the ſame*, during the remainder of the ſaid firſt term of ſeven years, and alſo during the further term

2 *G.* 1. 13. ſ. 7.

of ſeven years from the expiration of the ſaid former term of ſeven years, and from thence to the end of the ſeſſion of Parliament then next following; and which ſaid duties were further continued, but with an exception to the manufacture of Great Britain, by an act paſſed in the tenth year of the reign of his Majeſty King George the firſt, intituled, *An act for amending the ſeveral laws now in force for encouraging the flaxen and hempen manufactures in this kingdom, and for the improvement thereof:* and whereas by an act paſſed in the firſt year of the reign of his late Majeſty King George the ſecond, intituled, *An act for the further improvement of the flaxen and hempen manufactures of this kingdom*, the ſaid duties were further continued, and an additional duty of one ſhilling and ſixpence *per* yard was laid on all painted and ſtained muſlins imported into this kingdom, to be applied and diſpoſed of in the ſame manner with the ſaid additional duties on calicoes and linen: and whereas the ſaid duties on calicoes, muſlins, and linen have been by ſeveral acts of Parliament continued, but will expire with the end of this preſent ſeſſion of Parliament, and it is neceſſary for the ſupport and encouragement of the ſaid manufactures, that the ſaid duties ſhould be continued for a further term; be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all white, painted, and ſtained calicoes, and all painted and ſtained muſlins, except ſuch calicoes and muſlins as are painted and ſtained in Great Britain, and all ſorts of linen, which ſhall be imported into this kingdom, except they be of the manufacture of Great Britain, or be painted or ſtained in Great Britain, at any time within the ſpace of twenty one years from the end of this preſent ſeſſion of Parliament, and from thence to the end of the ſeſſion of Parliament then next enſuing, ſhall anſwer and pay unto his Majeſty, his heirs and ſucceſſors, the ſeveral rates and duties following, (that is to ſay) one ſhilling and ſixpence *per* yard for every yard of white, painted, and ſtained calicoes, painted and ſtained muſlins, except as aforeſaid, which ſhall be imported into this kingdom within the time aforeſaid; and ſixpence a yard for every yard of any ſort of linen, except as aforeſaid, which ſhall be imported into this kingdom during the time aforeſaid; the ſaid ſeveral duties to be raiſed, levied, collected, and paid to his Majeſty, his heirs and ſucceſſors, during the continuance thereof, over and above all other duties payable for the ſame by virtue of an act made in this kingdom in the fourteenth and fifteenth years of the reign of King Charles the ſecond, intituled, *An act for ſettling the exciſe or new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of*

10 *G.* 1. 2. ſ. 15.

1 *G.* 2. 11. ſ. 18.

Additional duty 21 years 1*s.* and 6*d.* *per* yard on calicoes and muſlins imported, unleſs painted and ſtained in Gt. Britain; 6*d.* on linen, unleſs of or painted or ſtained in Gr. Britain. *encreaſed to* 2*s.* *by* 17 & 18 *G.* 3. *c.* 21. *ſ.* 7.

levied as by 14 & 15 *C.* 2. 8, 9.

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rates therein inſerted, and by virtue of one other act made in the ſaid fourteenth and fifteenth years of the reign of the ſaid King Charles, intituled, *An act for ſettling the ſubſidy of poundage, and granting a ſubſidy of tunnage, and other ſums of money, unto his royal Majeſty, his heirs and ſucceſſors, the ſame to be paid upon merchandizes imported and exported into or out of the kingdom of Ireland, according to a book of rates thereunto annexed*; and that the aforeſaid reſpective duties laid and impoſed by this act on all white, painted, and ſtained calicoes, and painted and ſtained muſlins, and linen cloths, ſhall, during the continuance thereof, be applied to the uſe of the hempen and flaxen manufactures in this kingdom, and to no other uſe whatſoever; and that the ſeveral ſums of money ariſing from the ſaid duties ſo granted ſhall from time to time be paid by the vice-treaſurer or the receiver general of this kingdom to the ſaid truſtees for the time being, upon a warrant under their hands, or the hands of any five or more of them, without any other or further warrant to be ſued for, had, or obtained, in that behalf.

applied only to hemp and flax manufactures,

and paid to the truſtees on warrant of any five.

II. And be it further enacted by the authority aforeſaid, That no drawback or debenture ſhall be allowed, paid, or given by any collectors, or any other officers of his Majeſty's revenue, to any perſon or perſons for or on account of exporting of any calicoe, muſlin, Holland, ſail-cloth, or linen whatſoever out of this kingdom, excepting ſuch as are of the manufacture of, or painted or ſtained in Great Britain; any former law, uſage, or cuſtom to the contrary thereof in any wiſe notwithſtanding.

No drawback on export,

unleſs of, or painted or ſtained in Gr. Britain.

III. And whereas in order to encourage the importation of good ſound foreign hemp ſeed and flax ſeed into this kingdom at eaſy and reaſonable rates, a premium of five ſhillings a hogſhead hath been granted and continued by ſeveral acts of Parliament paſſed in this kingdom in the reign of her Majeſty Queen Anne, his Majeſty King George the firſt, and his late Majeſty King George the ſecond, to whoever ſhould import, or cauſe to be imported into this kingdom, any good and ſound hemp ſeed or flax ſeed of the growth of Ruſſia, Germany, the Netherlands, the Eaſt country, or any of the Engliſh plantations in America, for ſeveral ſucceſſive terms of years, the laſt whereof will expire with the end of this preſent ſeſſion of Parliament; and it hath been found by experience, that the beſt hemp ſeed and flax ſeed may be had from the ports herein after mentioned, and that the ſaid encouragement for the importation of good ſound hemp ſeed and flax ſeed ſhould be continued for a further term: be it enacted by the authority aforeſaid, That whoever ſhall import, or cauſe to be imported into this kingdom, any good and ſound hemp ſeed or flax ſeed from any port in Ruſſia, Sweden, Denmark, Poland, Pruſſia, Germany, or any port on the Baltick

5*s. per* hogſhead premium for hemp or flax ſeed imported in 21 years from Ruſſia, Sweden, Denmark, Poland, Germany, the Baltick, &c. or the plantations, on oath before collector of the country whence imported, of being ſound and good and the growth of preceding ſummer,

Baltick ſea, or within the ſound, or from Hamburgh, or Altena, or any of the Engliſh plantations in America, within the ſpace of twenty one years from the end of this preſent ſeſſion of Parliament, and from thence to the end of the then next ſucceeding ſeſſion of Parliament, ſhall receive for every hogſhead of ſuch hemp ſeed or flax ſeed, as a premium, the ſum of five ſhillings ſterling, to be paid by ſuch officer or officers, and in ſuch manner as drawbacks are uſually paid.

paid as drawbacks are.

IV. Provided, That during the ſaid term of twenty one years, and until the end of the then ſucceeding ſeſſion of Parliament, every merchant, who ſhall export any hemp ſeed or flax ſeed, ſhall for every hogſhead thereof ſo exported pay five ſhillings cuſtom to the King, his heirs and ſucceſſors, unleſs oath be made before the commiſſioners, ſub-commiſſioners, or officer of the port, where ſuch flax ſeed or hemp ſeed ſhall be exported, that the ſame was of the growth of this kingdom; and that no perſon ſhall be intitled to receive ſuch premium, until he hath made oath before the collector of the cuſtoms in the port, where ſuch ſeed ſhall be imported, expreſſing the name of the county from whence, he believes the ſame was imported, and that he verily believes the ſame to be ſound and good, and of the growth of the ſummer then next preceding.

5*s. per* hogſhead cuſtom 21 years, if exported, unleſs on oath the growth of Ireland.

V. And whereas in order to encourage the raiſing of flax ſeed and flax in this kingdom, a premium of one ſhilling a buſhel hath been granted and continued by ſeveral acts of Parliament paſſed in this kingdom in the reign of his late Majeſty King George the ſecond, for every buſhel of good, ſound, merchantable flax ſeed of the growth of this kingdom, ſent on ſhipboard from the ſouthern part of this kingdom to the northern part thereof for ſeveral ſucceſſive terms of years, the laſt whereof will expire with the end of this preſent ſeſſion of Parliament, and the continuance of the ſaid premium for a further term, will greatly increaſe the linen manufacture: be it enacted by the authority aforeſaid, That for the ſpace of twenty one years from the end of this preſent ſeſſion of Parliament, and from thence to the end of the then next ſeſſion of Parliament, when good, found, and merchantable flax ſeed of the growth of this kingdom, is or ſhall be put on ſhipboard in ſound caſks at Dundalk, or any other port of this kingdom ſouthward thereof, by any merchant, or other perſon or perſons, who ſhall make oath before the collector, ſurveyor, or land-waiter of ſuch port, who are hereby impowered and required to adminiſter the ſame, that he, to the beſt of his ſkill and knowledge, believes the ſaid ſeed to be ſound and good, and that no premium was ever received thereon, and that the ſame is of the growth of this kingdom,

1*s. per* buſhel premium 21 years for good Iriſh flax ſeed, ſhipped at or ſouthward of Dundalk, and landed five leagues northward, on collector's certificate on oath, and bond not to reland ſouthward, 2*s.* by 17 & 18 *G.* 3. c. 21. ſ. 7.

A. D. 1763.

the collector of the port, where the ſaid ſeed ſhall be put on ſhip-board as aforeſaid, ſhall on oath made as aforeſaid, give without fee or reward, unto ſuch perſon or perſons as aforeſaid, a certificate, wherein ſhall be expreſſed the quantity of ſeed ſo ſhipped, and the number of ſound caſks wherein the ſame is contained, and the day of the month and year when the ſame was ſhipped, and that oath has been made before him as aforeſaid, that then every ſuch perſon and perſons upon landing the ſaid ſeed in ſound caſks in any port of this kingdom, five leagues or more northward of the ſaid port of Dundalk, and delivering the ſaid certificate, and making oath before the collector, ſurveyor, or land waiter of the port, that the ſaid ſeed ſo landed is the ſame ſeed mentioned in the ſaid certificate, (which oath the collector, ſurveyor, or land waiter of the port is hereby impowered and required to adminiſter) and upon bond being given by every ſuch merchant or other perſon in the ſum of twenty ſhillings for every barrel of ſuch flax ſeed, and ſo in proportion for every greater quantity, that the ſaid ſeed is good, ſound, and merchantable flax ſeed of the growth of this kingdom, and ſhall not be relanded or ſent into any port of this kingdom, more ſouth than five leagues north of Dundalk, ſhall be intitled to, and receive from the collector of the port, where the ſame is landed, as a premium, the ſum of one ſhilling for every buſhel ſo landed, clear and free from all duties payable upon the export of flax ſeed, to be paid by ſuch officer or officers, in ſuch manner as drawbacks are uſually paid.

CHAP. XIII.

15 & 16 G. 3. c. 16. ſ. 12. 21 & 22 G. 3. c. 21.

An Act for the more effectual preventing Bribery and Corruption in the Elections of Members to ſerve in Parliament, and the Magiſtrates of Cities, Boroughs, and Towns Corporate.

WHEREAS it is found by experience, That the laws already in being have not been ſufficient to prevent corrupt and illegal practices in the election of members to ſerve in Parliament: for remedy therefore of ſo great an evil, and to the end that all elections of members to Parliament may hereafter be freely and indifferently without charge or expence, be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of June in the year of our Lord one thouſand ſeven hundred and ſixty four, upon every election of any member or members to ſerve for

Oath or affirmation by voters at election of members of parliament, if demanded by a candidate or 2 electors.

the commons in Parliament every freeholder, citizen, freeman, burgeſs, or perſon, having or claiming to have a right to vote or be polled at ſuch election, ſhall, before he is admitted to poll at the ſame election, take the following oath, or, being of the people called quakers, ſhall make the ſolemn affirmation appointed for quakers, in caſe the ſame ſhall be demanded by either of the candidates or any two of the electors; (that is to ſay)

I A. B. *do ſwear (or being of the people called quakers, I* A. B. *do ſolemnly affirm) I have not received or had by myſelf, or any perſon whatſoever in truſt for me or for my uſe and benefit, or for the uſe and benefit of any of my family or kindred, to my knowledge or belief, directly or indirectly, any ſum or ſums of money, office, place, or employment, gift, or reward, or any promiſe or ſecurity for any money, office, employment, or gift, in order to give my vote at this election; and that I have not before been polled at this election.*

Adminiſtered by a juſtice appointed by preſiding officer,

in preſence of 4, two named by each candidate,

II. And be it enacted by the authority aforeſaid, that the officer or officers preſiding at ſuch elections ſhall appoint a juſtice of the peace for the purpoſe of adminiſtring the ſaid oath or affirmation in open court, ſo as the poll ſhall not be thereby retarded; and the ſaid juſtice of the peace ſhall in the preſence of four or more perſons two to be nominated by each candidate adminiſter the ſaid oath to every elector, before ſuch elector ſhall be admitted to poll, if the ſame ſhall be demanded as aforeſaid; and if the officer or officers preſiding at ſuch election ſhall refuſe to appoint a juſtice of the peace for the purpoſe aforeſaid, or if the ſaid juſtice ſhall refuſe to adminiſter the ſame gratis, if demanded as aforeſaid, ſuch officer or juſtice of the peace ſhall forfeit fifty pounds to any perſon, that ſhall ſue for the ſame, to be recovered together with full coſts of ſuit by action of debt, bill, plaint, or information in any of his Majeſty's courts of record in Dublin, wherein no eſſoign, protection, wager of law, or more than one imparlance ſhall be admitted or allowed; and no perſon ſhall be admitted to poll, till he had taken and repeated the ſaid oath in a publick manner (in caſe the ſame ſhall be demanded as aforeſaid) before ſuch juſtice of the peace as ſhall be deputed.

50l. penalty on officer or juſtice refuſing,

none admitted to poll till oath taken if demanded.

100l. penalty on returning officer, and on the voter.

III. And be it further enacted by the authority aforeſaid, that if any ſheriff, mayor, bailiff, or other returning officer, ſhall admit any perſon to be polled without taking ſuch oath or affirmation, if demanded as aforeſaid, ſuch returning officer ſhall forfeit the ſum of one hundred pounds, to be recovered

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in manner aforeſaid together with full coſts of ſuit; and that if any perſon ſhall vote or poll at ſuch election without having firſt taken the oath, or if a quaker having made his affirmation, if demanded as aforeſaid, ſuch perſon ſhall incur the ſame penalty, which the officer is ſubject to for the offence above mentioned.

Oath of returning officer immediately after reading the writ.

IV. And be it further enacted by the authority aforeſaid, That every ſheriff, mayor, bailiff, ſeneſchal, or other perſon, being the returning officer of any member to ſerve in Parliament, ſhall immediately after the reading of the writ or precept for the election of ſuch member take and ſubſcribe the following oath:

I A. B. *do ſolemnly ſwear, that I have not directly or indirectly received any ſum or ſums of money, office, place, or employments, gratuity, or reward, or any bond, bill, or note, or any promiſe or gratuity whatſoever, either by myſelf or any other perſon to my uſe, or benefit, or advantage, or to the uſe, benefit, or advantage of any of my family or kindred, to my knowledge or belief, for making any return at the preſent election of members to ſerve in parliament; and that I will return ſuch perſon or perſons, as ſhall to the beſt of my judgment appear to me to have the majority of legal votes.*

Adminiſtered by any juſtice, or in abſence any 3 electors,

Which oath any juſtice or juſtices of the peace of the ſaid county, city, corporation, or borough, where ſuch election ſhall be made, or in his or their abſence any three of the electors, are thereby required and authorized to adminiſter; and ſuch oath ſo taken

and recorded.

ſhall be entered among the records of the ſeſſions of ſuch county, city, corporation, and borough as aforeſaid.

Oath or affirmation by voters in boroughs, where the right of voting in proteſtant inhabitants in general, if any objection.

Altered by 15 & 16 G. 3. *c.* 16. *ſ.* 12.

V. And whereas the laws now in force relating to the electing of members to ſerve in Parliament for the ſeveral boroughs in this kingdom, where the right of voting is veſted in the proteſtant inhabitants in general of ſuch boroughs, have by experience been found very defective, and thereby elections in ſome of ſuch boroughs have been protracted to an unreaſonable length of time, to the great detriment both of candidates and electors: for remedy whereof be it enacted by the authority aforeſaid, that no perſon whatſoever ſhall after the firſt day of May next be admitted to vote on any election for any member or members to ſerve in parliament for any borough in this kingdom, where the right of voting is veſted in the proteſtant inhabitants in general, until ſuch perſon ſo tendering his vote in caſe of any objection made thereto by any of the candidates or their agents

ſhall

ſhall take the following oath, or, if a quaker, affirmation; that is to ſay:

I A. B. *do ſwear, or, if a quaker, do affirm, that I am an inhabitant of* ——— (here naming the place where ſuch election is) *and have been ſo for theſe ſix months laſt paſt; and that I am not nor have not within theſe ſix months laſt paſt been an inmate or lodger with any other perſon in ſaid borough; but have paid the uſual taxes and ceſſes in ſaid borough as an houſeholder; and that I did not come to reſide in ſaid borough, ſince the preſent vacancy happened; and that I am not a papiſt nor married to a papiſt, and do not educate, or ſuffer to be educated, any of my children in the popiſh religion.*

adminiſtered by, and concluſive to, returning officer.

Which oath or affirmation the ſeneſchal or returning officer of ſuch borough is hereby impowered and directed to adminiſter to ſuch voter at the requeſt of any of the candidates or their agents; and on ſuch voter ſo taking the ſaid oath, or, if a quaker, the ſaid affirmation, then, and not before, the ſaid ſeneſchal or returning officer ſhall take down ſuch vote; and the ſaid oath, or affirmation if a quaker, ſhall be final and concluſive to the ſaid ſeneſchal or returning officer of ſuch borough; and every ſuch voter ſhall not be liable to any further ſcrutiny or examination whatſoever before ſuch ſeneſchal or returning officer on any ſuch election.

Like penalties as for perjury.

VI. And be it further enacted by the authority aforeſaid, That if any returning officer, elector, or perſon taking the oath or affirmation herein before mentioned, ſhall be guilty of wilful and corrupt perjury or of falſe affirming, and be thereof convicted by due courſe of law, ſhall incur and ſuffer the pains and penalties, which by law are enacted and inflicted in caſes of wilful and corrupt perjury.

On conviction of perjury or ſubornation incapable to vote at any election.

VII. And be it enacted by the authority aforeſaid, That no perſon, convicted of wilful and corrupt perjury or ſubornation of perjury, ſhall after ſuch conviction be capable of voting in any election of any member or members to ſerve in Parliament.

500l. penalty on voters at elections aſking or taking reward, and on the procurer, and diſabled.

VIII. And be it further enacted by the authority aforeſaid, That if any perſon, who hath or claimeth to have, or hereafter ſhall have or claim to have, any right to vote in any ſuch election, ſhall from and after the ſaid firſt day of June, which ſhall be in the year of our Lord one thouſand ſeven hundred and ſixty four, aſk, receive, or take any money or other reward by way

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of gift, loan, or other device, or agree or contract for any money, gift, office, employment, or other reward whatſoever, for himſelf or any of his family or kindred to give his vote, or to refuſe or forbear to give his vote, in any ſuch election, or if any perſon by himſelf or any perſon employed by him doth or ſhall by any gift or reward, or by any promiſe, or agreement, or ſecurity for any gift or reward, corrupt or procure any perſon or perſons to give his or their vote or votes, or to forbear to give his or their vote or votes, in any ſuch election, ſuch perſon ſo offending in any of the caſes aforeſaid ſhall for every ſuch offence forfeit the ſum of five hundred pounds ſterling, to be recovered as before directed together with full coſts of ſuit; and every perſon offending in any of the caſes aforeſaid from and after judgment obtained againſt him in any ſuch action of debt, bill, plaint, or information, or ſummary action or proſecution, or being any otherwiſe lawfully convicted thereof, ſhall for ever be diſabled to vote in any election of any member or members to Parliament, and alſo ſhall for ever be diſabled to hold, exerciſe, or enjoy any office or franchiſe, to which he or they then ſhall or at any time afterwards may be intitled as member of any city, borough, or town corporate, as if ſuch perſon was naturally dead.

Penalty and diſability for the like offence at election for magiſtrates.

IX. And be it further enacted by the authority aforeſaid, That if any perſon, who hath or claimeth to have, or hereafter ſhall have or claim to have any right to vote in any election for magiſtrates in any city or town corporate in this kingdom, ſhall from and after the firſt day of June, which ſhall be in the year one thouſand ſeven hundred and ſixty four, aſk, receive, or take any money or other reward by way of gift, loan, or other device, or agree or contract for any money, gift, office, employment, or other reward whatſoever, for himſelf or any of his family or kindred to give his vote, or to refuſe or forbear to give his vote, in any ſuch election, or if any perſon by himſelf or any perſon employed by him doth or ſhall by any gift or reward, or by any promiſe, or agreement, or ſecurity for any gift or reward, corrupt or procure any perſon or perſons to give his or their vote or votes, or to forbear to give his or their vote or votes, in any ſuch election, ſuch perſon offending in any of the caſes aforeſaid ſhall for every ſuch offence forfeit the ſum of fifty pounds ſterling, to be recovered as before directed together with full coſts of ſuit; and every perſon offending in any of the caſes aforeſaid from and after judgment obtained againſt him in any ſuch action of debt, bill, plaint, or information, or ſummary action, or proſecution, or being any

otherwiſe lawfully convicted thereof, ſhall for ever be diſabled to vote in any election, and alſo ſhall for ever be diſabled to hold, exerciſe, or enjoy any office or franchiſe, to which he or they then ſhall at or any time afterwards may be intitled as a member of any city, borough, or town corporate, as if ſuch perſon was naturally dead.

This act read by returning officer immediately after the precept,

X. And for the more effectual obſervance of this act be it enacted by the authority aforeſaid, That all and every the ſheriffs, mayors, and other officers, to whom the execution of any writ or precept for electing any member or members to ſerve in parliament ſhall belong or appertain, ſhall and are hereby required at the time of ſuch election immediately after the reading ſuch writ or precept read or cauſe to be read openly before the electors there aſſembled this preſent act and every clauſe therein contained; and the ſame ſhall alſo openly be read once in every year at the lent aſſizes to be held in every county, county of a city, or county of a town, and at the general quarter ſeſſions of the peace to be holden next after Eaſter for the city of Dublin, and at every election of the chief magiſtrate in any city, borough, or town corporate.

and at lent aſſizes,

and Eaſter ſeſſions for Dublin,

and at election of chief magiſtrates.

500l. penalty on returning officer.

XI. And be it further enacted by the authority aforeſaid, That every ſheriff, under ſheriff, mayor, and other officer, to whom the execution of any writ or precept for the electing of members to ſerve in parliament doth belong, for every wilful offences contrary to this act ſhall forfeit the ſum of five hundred pounds, to be recovered together with full coſts of ſuit in the manner before directed.

Proſecution in 2 years, carried on without wilful delay.

XII. Provided always, and be it hereby declared and enacted by the authority aforeſaid, That no perſon ſhould be made liable to any incapacity, diſability, forfeiture, or penalty by this act laid or impoſed, unleſs proſecution be commenced within two years after ſuch incapacity, diſability, forfeiture, or penalty ſhall be incurred, or in caſe of a proſecution the ſame be carried on without wilful delay; any thing herein contained to the contrary notwithſtanding.

CHAP. XIV.

An Act for directing the Application of the Sum of Eight Thouſand Pounds granted to the Dublin Society for the Encouragement of ſuch Trades and Manufactures, as ſhould be directed by Parliament.

3 G. 3. 1. WHEREAS by an act made this ſeſſion, intituled, *An act for granting and continuing to his Majeſty an additional duty on the ſeveral goods and merchandizes therein mentioned*, it is among other things enacted, that the ſum of eight thouſand pounds ſhall be paid to the Dublin ſociety for the encouragement of ſuch trades and manufactures, as ſhould be directed by parliament: in order therefore to direct and regulate the application of the ſaid ſum be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in the preſent parliament aſſembled, and by the authority of the ſame, That it ſhall and may be lawful to and for the Dublin ſociety to diſpoſe of the ſaid ſum of eight thouſand pounds for the purpoſes and in the manner herein after mentioned; (that is to ſay) for the encouragement of the ſilk, woollen, iron, or ſteel, copper, or braſs, paper, glaſs, and earthen-ware manufactures, and alſo of making of optick glaſſes, and alſo of the leather manufacture, and of the manufacture of printing, ſtamping, and ſtaining of linens or cottons, and of the manufacture of cutting of flints, and alſo of the brewing trade.

3 G. 3. 1. ſec. 43.

II. And be it enacted by the authority aforeſaid, That the ſaid Dublin ſociety ſhall on ſome day previous to the twenty fourth day of June one thouſand ſeven hundred and ſixty four reſolve and determine, how much of the ſaid ſum of eight thouſand pounds ſhall be applied for the encouragement of each of the ſaid reſpective manufactures, and ſhall cauſe ſuch reſolution to be entered in their books, and publiſhed in the Dublin Gazette.

III. And be it enacted by the authority aforeſaid, That the ſaid Dublin ſociety ſhall on or before the tenth day of December one thouſand ſeven hundred and ſixty four regulate and ſettle in what manner, the reſpective ſums, which ſhall be ſo allotted as aforeſaid for the encouragement of the ſaid reſpective manufactures, ſhall be paid and diſtributed; and ſhall cauſe ſuch reſolution to be entered in their books, and publiſhed in the Dublin Gazette.

IV. Provided always, That no perſon ſhall be capable of receiving any part of the ſaid ſums for any goods, which ſhall not be manufactured or made ſubſequent to the firſt day of June one thouſand ſeven hundred and ſixty four.

V. Provided alſo, That ſuch diſtribution ſo to be made ſhall be made according to the quantity and quality of the goods ſo to be manufactured.

VI. And be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Dublin ſociety to make ſuch orders and regulations for examining the quantity and quality of ſuch goods, for which any premiums ſhall be demanded, as they ſhall judge moſt expedient for the publick ſervice, and moſt likely to prevent any frauds in the perſon or perſons, who ſhall claim to be intitled to ſuch premiums; and in caſe any diſpute ſhall ariſe touching the right of any perſon or perſons to ſuch premium, the Dublin ſociety ſhall finally determine the ſame.

CHAP.

CHAP. XV.

An Act for veſting further Powers in the Lord Mayor, Sheriffs, Commons, and Citizens of the City of Dublin for the ſecuring of Ships trading to the Port and Harbour of Dublin.

WHEREAS by an act paſſed in this kingdom in the ſixth year of the reign of her late Majeſty Queen Anne, intituled, *An act for cleanſing the port, harbour, and river of Dublin, and for erecting a ballaſt-office within the ſaid city*, the lord mayor, ſheriffs, commons, and citizens of the ſaid city are conſtituted and ordained keepers and conſervators of the port of Dublin: and whereas no effectual proviſion hath been made by the ſaid act for preventing the many and great loſſes happening from the want of ſkilful pilots to take charge of ſhips trading to the ſaid port, and from the want of haven-maſters to regulate the placing of ſuch ſhips or veſſels as are therein, nor for preventing the frauds and abuſes committed by perſons employed in lighters within the ſaid port: for remedy whereof be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of May one thouſand ſeven hundred and ſixty four it ſhall and may be lawful to and for the lord mayor, ſheriffs, commons, and citizens of the city of Dublin, and they are hereby impowered from time to time and in the manner herein directed, to licence and appoint during their will and pleaſure any number of ſkilful pilots, not exceeding fifty in the whole, for the purpoſe aforeſaid at and under ſuch yearly wages and ſalaries, as ſhall be aſcertained in the manner herein after directed; and that the lord, mayor, ſheriffs, commons, and citizens may, and they are hereby alſo impowered to appoint and authorize in the manner herein after directed proper perſons, not more than two, as haven-maſters in the harbour of Dublin; who ſhall continue in their ſaid office during the will and pleaſure of the ſaid lord mayor, ſheriffs, commons, and citizens, at and under the yearly wages and ſalaries, to be aſcertained as herein after directed; and who ſhall, as the duty and buſineſs for which ſuch ſalaries are to be paid, take care that buoys and floating perches ſhall be placed and conſtantly kept up on the north and ſouth ends of the bank called the Kiſh, and on the Codling Patch, and on the banks called the North Grounds, for the better direction and ſecurity of navigation to and

Repealed 26 *G.* 3. *c.* 19.

6 *Anne* 20.

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from the ſaid harbour; and ſhall alſo regulate and ſtation the trading ſhips, veſſels, and lighters within the ſaid harbour.

II. And for the better enabling them ſo to regulate the ſame, be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid haven-maſters, or either of them, to order and cauſe to be placed or removed ſhips or veſſels within the ſaid harbour, where ſuch ſhips or veſſels can more conveniently moor or lye, or ought to lye; and in caſe any maſter or owner of ſuch ſhip or veſſel ſhall refuſe removing as aforeſaid, and continue ſo to do after receiving ſuch order from the ſaid haven-maſters, or either of them, for the ſpace of twelve hours next after receiving ſuch order, then and in that caſe it ſhall and may be lawful for the ſaid haven-maſters, or either of them, to hire and employ proper perſons to remove ſuch ſhip or veſſel to ſuch part or place in the ſaid harbour, as the ſaid haven-maſters or either of them ſhall appoint; and that the expence or hire of ſuch perſons ſo employed in the ſaid ſervice ſhall be paid and born by the maſter or owner of ſaid ſhip or veſſel together with a ſum not exceeding five pounds as a fine or penalty for ſuch neglect or refuſal; and the ſaid charges and penalty to be recovered as herein after directed, and paid before any clearance or diſcharge ſhall be allowed or granted for ſuch ſhip or veſſel; and alſo that the ſaid haven-maſters or either of them ſhall and may be impowered in caſes of urgent neceſſity, and for preventing the loſs of any ſhip or veſſel, to cut the rope or cable of any other ſhip or veſſel lying within the ſaid port or harbour of Dublin, (not being any of his Majeſty's ſhips of war) which may obſtruct the navigation or endanger the ſafety of any other veſſel.

III. And be it enacted by the authority aforeſaid, That if the ſaid haven-maſters, or either of them, or any other perſon or perſons duly licenced and authorized in purſuance of this act, ſhall be obſtructed in his duty or buſineſs by any perſon or perſons, ſuch perſon or perſons ſo obſtructing the ſaid officers or licenced perſons ſhall ſeverally pay for ſuch offence or offences, and ſo often as ſuch offence or offences ſhall be by them committed, any ſum not exceeding the ſum of five pounds *ſterling*, to be paid by each party proved guilty of the ſame, and to be recovered and levied as herein after directed.

IV. And be it enacted by the authority aforeſaid, That it ſhall be deemed felony, in any perſon or perſons, except thoſe who may be lawfully impowered for that purpoſe, who ſhall wilfully cut away any buoy or buoy-rope from any anchor in the harbour, or caſt looſe or cut away any ſhip, lighter, veſſel, or wherry from their moorings, or deface, cut, or take away any floating buoy or perch, or known ſea mark.

V. And be it further enacted by the authority aforeſaid, That the maſters or owners of each and every trading ſhip or veſſel laden with or carrying merchandize coming to or going from the ſaid harbour of Dublin (except ſuch as may be laden with coals or corn trading coaſt ways) ſhall be obliged to receive and take on board ſuch ſhip or veſſel a pilot licenſed as ſuch in purſuance of this act; and for each and every ſuch ſhip and veſſel the maſter or owner thereof ſhall pay or cauſe to be paid to the ballaſt maſter of the ballaſt office of the port of Dublin for the purpoſes of this act and after the rate or rates following: for all foreign ſhips the ſum of two ſhillings *per* foot for pilotage over the bar, and the ſum of one ſhilling *per* foot for pilotage from Poolbeg to the quays; for Britiſh ſhips the ſum of one ſhilling *per* foot for pilotage over the bar, and the ſum of ſix pence *per* foot for pilotage from Poolbeg to the quays; the ſame rates to be paid for pilotage outwards: but in caſe any ſhip coming in or going out ſhall not be obliged to come to an anchor in Poolbeg or below Ring's End, and ſhall not remain there longer than twenty four hours, then no more pilotage to be paid than the rates aforeſaid of two ſhillings *per* foot for foreign ſhips and one ſhilling *per* foot for Britiſh ſhips.

VI. And for the further promoting and better effecting the good ends and purpoſes intended by this act be it enacted by the authority aforeſaid, That from and after the firſt day of May one thouſand ſeven hundred and ſixty four the following rates and duties, over and above thoſe now payable to the ballaſt-office, may be demanded and received from the maſters or owners of every foreign ſhip or veſſel, or ſuch as ſhall not belong to any of his Majeſty's ſubjects in Great Britain, Ireland, or the plantations; (that is to ſay) the ſum of two pence for each and every tun of ſuch ſhip or veſſel's burthen, and on every voyage which ſuch ſhip or veſſel ſhall make to the ſaid harbour of Dublin; and that for every ſhip or veſſel belonging to any of his Majeſty's ſubjects which ſhall arrive from foreign parts (except Great Britain) there ſhall be demanded and paid the ſum of one penny for each and every tun of ſuch ſhip or veſſels burthen, and on each voyage made to the ſaid harbour of Dublin; and that for every ſhip or veſſel arriving in the ſaid harbour from Great Britain, or trading coaſt ways, and laden with merchants goods, there ſhall be demanded and paid the ſum of one half penny for each and every tun of ſuch ſhip or veſſel's burthen; the ſaid rates or duties to be paid on each and every voyage, that ſuch or any ſhip or veſſel as aforeſaid ſhall make to the ſaid harbour of Dublin; and the burthen of all ſuch ſhips or veſſels ſhall be deemed and taken according to the meaſurement chargeable thereon by the ballaſt-office of the city of Dublin; except for ſhips or veſſels laden with corn or coals, or the greateſt part of their cargoes corn or coals;

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every ſuch trading ſhip or veſſel to be free on paying the ſum of one penny for each and every tun of ſuch ſhip or veſſel's burthen once a year only.

VII. Provided that in caſe any ſhip or veſſel uſing the corn or coal trade ſhall at any time bring other goods or merchandize, or the greateſt part of the cargo being of ſuch other goods or merchandize, that then and in ſuch caſe the ſaid ſhip or veſſel ſhall be chargeable with the like rate or duty, which the ſhip or veſſel would be obliged to pay, had the ſame not uſed or followed the corn or coal trade.

VIII. Provided always, That no coaſting veſſel, boat, or wherry ſhall be chargeable with any of the duties aforeſaid, which ſhall be under the burthen of thirty tuns.

IX. And be it enacted by the authority aforeſaid, That it ſhall not be lawful to or for the officers of his Majeſty's revenue or any of them in the port of Dublin to clear and diſcharge any ſhip or veſſel outward bound, orto permit any ſhip or veſſel to ſail, until the maſter or owner thereof ſhall have brought a diſcharge from the ſaid ballaſt maſter teſtifying ſuch ſhip or veſſel to have been cleared and diſcharged; which diſcharge from the ſaid ballaſt maſter ſhall be immediately granted, except there ſhould be lawful cauſe to the contrary; and in caſe of refuſal or delay then the ſaid ballaſt maſter ſhall forfeit the ſum of ten pounds ſterling.

X. And be it enacted by the authority aforeſaid, That the ſaid lord mayor, ſheriffs, commons, and citizens ſhall be, and they are hereby, impowered to grant licences to ſuch lightermen, or owners of lighters or veſſels above the burthen of ten tuns, as ſhall be employed to carry goods or merchandize to or from any ſhips or veſſels in the ſaid harbour of Dublin: provided the owners of ſuch lighters or veſſels for this purpoſe ſhall have entered into ſecurity or ſecurities in the ſum of two hundred pounds before the lord mayor of the city, and conditioned to keep up their ſaid lighters or veſſels in good order and condtion, and to abide and be determined by ſuch reaſonable and accuſtomed rates for freight or carriage of goods within the ſaid harbour, as by the committee herein after mentioned and hereby conſtituted may be fixed and agreed upon at the granting of ſuch licence or licences: and that if any lighter or veſſel above the burthen of ten tuns as aforeſaid ſhall be found laden with goods or merchandize within the ſaid harbour, and that ſhall not be ſo licenced, or that the owners of ſuch lighters or veſſels ſhall refuſe to enter into

ſecurity

ſecurity, and perform the requiſites enjoined by this act as aforeſaid, that then and for every ſuch offence the owner or maſter of ſuch lighter or veſſel ſhall forfeit the ſum of five pounds ſterling, to be recovered in a ſummary way before the chief magiſtrate of the ſaid city of Dublin, to be levied on his warrant by diſtreſs and by ſale of the offenders goods and chattles.

XI. And be it further enacted by the authority aforeſaid, That all and every the ſum and ſums of money ariſing, growing due, or levied from time to time by force and virtue of this act, whether by way of rates, duties, forfeitures, or otherwiſe, ſhall be paid to the ſaid ballaſt maſter of the ballaſt office of the port of Dublin, to be iſſued out by him from time to time for the purpoſe of this act; and in caſe there ſhall be any overplus remaining after all incident charges, ſalaries, and neceſſary expences attending the execution thereof ſhall be anſwered, the ſame ſhall be applied towards carrying on the ſouth wall, commonly called the ballaſt office wall, in the harbour of Dublin.

XII. Provided always, That the ſaid lord mayor, ſheriffs, commons, and citizens ſhall once in every three years lay before the lord lieutenant or other chief governor or governors of this kingdom and privy council of the ſame ſuch true and perfect account of the receipts and application of the ſeveral ſums of money paid and received in purſuance of this act, as they the ſaid lord mayor, ſheriffs, commons, and citizens are required to do by the ſaid recited act of the ſixth of Queen Anne, touching the monies ariſing by force of the ſaid laſt mentioned act, and under the like penalty for default thereof.

XIII. And for the more convenient and conſtant management and tranſacting of the ſeveral matters neceſſary for the carrying into execution the good purpoſes intended by this act, be it enacted by the authority aforeſaid, That within ten days after the firſt day of May in the year one thouſand ſeven hundred and ſixty four the lord mayor of the city of Dublin ſhall in the uſual manner convene an aſſembly of common council of the ſaid city; and the maſter or maſters of the guild or corporation, commonly called the guild of merchants of the ſaid city, ſhall alſo at ſome convenient time within the ſaid ten days by publick notice to be given for that purpoſe in the Dublin Gazette convene at the common hall of the ſaid guild an aſſembly of ſuch of the members thereof, as ſhall as merchants have at the time of holding ſuch aſſembly the allowance of ſix and ten *per cent.* at the cuſtom-houſe; and at the ſaid reſpective aſſemblies of the ſaid common council and of ſuch freemen of the guild

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of merchants ſo qualified as aforeſaid five perſons ſhall be elected by the board of aldermen or the uſual quorum of them from among ſuch of the aldermen, as ſhall at the time of ſuch election have and be intitled to the ſaid allowance; and the commons of the ſaid common council, or the uſual quorum of them, ſhall alſo elect ten perſons from among ſuch of their body, as ſhall at the time of ſuch election be in like manner qualified; and the ſaid freemen of the guild of merchants, not being leſs in number than thirty perſons then preſent, ſhall elect fifteen perſons from among ſuch of their body, as, not being then of the board of aldermen nor of the commons of the common council, ſhall at the time of ſuch election have, and for three years next before ſhall have continued to have, the benefit of the ſaid allowance; which ſaid five, ten, and fifteen perſons, ſo to be reſpectively elected, ſhall together with the lord mayor and ſheriffs of the ſaid city for the time being be and are hereby conſtituted a committee for the purpoſe herein mentioned, and ſhall continue ſo to be until the third day after the firſt general quarterly aſſembly of the common council of the ſaid city, which ſhall be held in the year one thouſand ſeven hundred and ſixty ſix; at which general aſſembly of the ſaid city the lord mayor and board of aldermen or the uſual quorum of them, and the ſheriffs and commons of the ſaid common council or the uſual quorum of them, ſhall reſpectively elect to be of the ſaid committee ſo many and ſuch perſons ſo as aforeſaid qualified, as they are herein before reſpectively impowered and directed to elect for that purpoſe; and on the day next immediately following the day on which the ſaid general aſſembly of the ſaid city ſhall be held, ſuch freemen of the ſaid guild of merchants, ſo as aforeſaid qualified for having the benefit of the ſaid allowance, ſhall be convened by the maſter or maſters of the ſaid guild; and, being ſo aſſembled and convened and being in number not leſs than thirty, ſhall elect to be of the ſaid committee ſo many and ſuch perſons ſo as aforeſaid qualified, as they are herein before impowered and directed to elect for that purpoſe; which ſaid ſeveral perſons ſo to be elected reſpectively by the lord mayor and aldermen, by the ſheriffs and commons, and by the ſaid freemen of the guild of merchants, ſhall together with the ſaid lord mayor and ſheriffs for the time being be a committee for the purpoſes herein mentioned, ſhall continue ſo to be for three years next immediately following their ſaid election; and the ſaid committee ſhall by the ſame manner of election be renewed from three years to three years for ever hereafter, the lord mayor and ſheriffs of the ſaid city being always members thereof; and whenever any vacancy ſhall happen between the times herein before appointed for the general election of the members of the ſaid committee by the death of any ſuch member or by his refuſing to be or to continue a member, then

and ſo often as the caſe ſhall happen, and within fourteen days after it ſhall ſo happen, that body or claſs of electors, who ſhall have elected the member, by whoſe death or refuſal ſuch vacancy ſhall be occaſioned, ſhall for the filling up of the ſame elect in the manner herein before directed ſome other perſon duly qualified as aforeſaid, ſeven days notice being previouſly given in the Dublin Gazette of the time of ſuch election.

XIV. And to the end that none, but ſuch as ſhall be duly qualified, ſhall be appointed pilots or haven-maſters, or be licenced as lightermen in purſuance of this act, be it enacted by the authority aforeſaid, That all and every the perſons ſo hereafter to be appointed or licenſed ſhall previous to ſuch appointment or to the granting of ſuch licence, and in order thereto, be ſeverally nominated by the ſaid committee to the lord mayor of the ſaid city; who is hereby impowered and required within ſeven days after every ſuch nomination, ſo made and returned to him, to make out or cauſe to be made out a due appointment or licence under the city ſeal according to ſuch nomination, unleſs within the ſaid ſeven days complaint ſhall be made to him in writing under the hands of any two or more members of the ſaid committee, that any ſuch nomination had not been duly and regularly made by the ſaid committee, as not having been made by a competent number of the members thereof, or upon due notice given; and when and as often as any ſuch complaint ſhall be made, the ſaid lord mayor ſhall, within ſeven days after he ſhall receive the ſame, convene an aſſembly of the common council of the ſaid city, who ſitting together in one room for this purpoſe ſhall hear and determine the matter of ſuch complaint; and if the ſame ſhall not appear to them to be duly proved, they are hereby required to confirm the nomination ſo complained of, and to make an appointment or grant a licence accordingly: and the ſaid committee are hereby further impowered to fix and aſcertain the yearly ſalaries to be paid to ſuch pilots and haven-maſters reſpectively, not exceeding the yearly ſum of forty ſhillings for each pilot, and ſixty pounds for each haven-maſter, and to order and direct to be paid to any pilot or pilots, who ſhall actually pilot any ſhip or ſhips into or out of the ſaid harbour of Dublin, ſuch ſum or ſums, as according to the rates herein before limited and appointed to be paid for the piloting of ſhips, ſhall appear to be due and payable to him or them for ſuch actual pilotage; and may over and above the yearly ſalaries ſo to be aſcertained for each pilot over and above the ſums to be paid for ſuch actual pilotage as aforeſaid order and direct any further ſum or ſums to be paid as a reward or rewards to any pilot or pilots for any extraordinary ſervice or ſervices done by him or them, ſo as the ſum or ſums ſo ordered to be paid for ſuch extraordinary

ſervices do not in the whole exceed the ſum of fifty pounds in any one year; and that the ſaid committee may aſcertain, order and direct to be paid out of the monies ariſing by this act to any ſeaman or ſeamen, perſon or perſons, who not then acting as a licenſed pilot or pilots ſhall in time of diſtreſs aid, aſſiſt, or take charge of any ſhip or veſſel bound into or out of the ſaid harbour of Dublin, any ſum not exceeding five pounds as an extraordinary reward, over and above any ſum which ſuch ſeaman or ſeamen, perſon or perſons, may be otherwiſe by law intitled to receive; and the ſaid committee are hereby alſo impowered from time to time to make ſuch orders and regulations, as to them ſhall ſeem fit and neceſſary to be obſerved by all ſuch pilots, haven-maſters, and lightermen, for the carrying on and promoting the purpoſes intended by this act; and may for the enforcing the obſervance of all ſuch orders and regulations annex reaſonable penalties to the breach thereof to be ſpecified in ſuch orders or regulations, not exceeding the ſum of five pounds for each offence; and may alſo for juſt cauſe ſhewn to them upon complaint made of any neglect or miſbehaviour in any ſuch pilot, haven-maſter, or lighterman, touching the duty or buſineſs of his ſaid employment ſuſpend or remove from his ſaid employment the perſon ſo offending, and may appoint ſome other fit perſon to act in his place, who is hereby authorized ſo to do, until a due appointment ſhall be made purſuant to the direction of this act: and for the tranſacting of the ſeveral matters aforeſaid the ſaid committee ſhall meet at ſome convenient fixed place within the city of Dublin on ſome certain day and hour once in every fortnight, or oftner if neceſſary, three days notice being given of ſuch extraordinary meeting by the lord mayor in the Dublin Gazette, which notice he is hereby required to give, or cauſe to be given, upon any application made to him for that purpoſe in writing under the hands of any three or more of the ſaid committee; and the ſaid ballaſt-maſter of the ballaſt-office is hereby impowered and required from time to time upon the order of the ſaid committee to iſſue and pay out of the monies to be raiſed and levied by virtue of this act ſuch ſum or ſums, as ſhall from time to time be neceſſary for carrying into execution the purpoſes thereof, and alſo ſuch further ſum or ſums as ſhall be wanting for the neceſſary expences attending the meetings of the ſaid committee for the convenient carrying on and tranſacting of their buſineſs, ſo as ſuch further ſums ſo to be iſſued and paid do not in any one year exceed the ſum of one hundred pounds in the whole.

XV. Provided always, That at all meetings of the ſaid committee, to be had or held in purſuance of this act, any number of members preſent not being leſs than ſeventeen ſhall be a number ſufficient for ordering, management, and tranſacting of

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all matters relative to the nominating and diſplacing of haven-maſters, pilots, and lightermen, and to the making of orders and regulations for the direction of their conduct, and to the making or iſſuing orders for the payment of money; and that a number not leſs than eleven ſhall be ſufficient for all other their more ordinary buſineſs; and that at all and every ſuch meeting or meetings the lord mayor when preſent ſhall preſide; and in caſe of his abſence the members then preſent, being a number competent for the buſineſs then to be tranſacted, ſhall appoint a preſident for that time.

XVI. And be it further enacted by the authority aforeſaid, That all penalties impoſed by this act, and which ſhall be impoſed in purſuance of any power or authority thereby given, ſhall and may be recovered in a ſummary way before the lord mayor of the ſaid city, and levied on his warrant by diſtreſs and ſale of the goods of the offender; and that this act ſhall be deemed and taken to be a publick act, and ſhall be taken notice of as ſuch by all courts of law and equity within this kingdom without being ſpecially pleaded; and that the expences of paſſing the ſame ſhall be paid out of the firſt monies to be raiſed in virtue thereof; and if any action ſhall be brought or ſuit commenced againſt any perſon or perſons for any thing done in purſuance of this act, or in relation to the premiſſes, or any of them, every ſuch action ſhall be laid or brought within three months.

XVII. Provided always, That nothing herein contained ſhall extend or be conſtrued to extend to the taking away or leſſening any right, power, or authority whatever, now legally veſted by virtue of the ſaid herein before recited act or otherwiſe in the lord-mayor, ſheriffs, commons, and citizens of the city of Dublin, or in any officer duly authorized by them.

XVIII. And whereas by the ſaid recited act the ſaid lord mayor, ſheriffs, commons, and citizens are impowered to make ſuch orders, rules, and by laws for the ſecuring of all ſhips, which ſhall come into the ſaid port, as ſhall from time to time be approved, ratified, and confirmed by the lord lieutenant or other chief governor or governors of this kingdom, and ſix or more of the privy council of the ſame: be it enacted by the authority aforeſaid, that the penalties to be impoſed by any by law or by laws, which ſhall hereafter be made by virtue or in purſuance of the ſaid recited act, and with the approbation thereby required, where ſuch penalties ſhall not exceed the ſum of ten pounds for each offence, ſhall and may be ſued for and recovered by civil bill, to be brought in the name of the ballaſt-maſter of the ballaſt-office of the ſaid city before any judge or judges, or in any court having juriſdiction

A. D. 1763. to hear and determine civil bills for the county, city, or county of a city, within which any ſuch offence ſhall have been committed; and that all ſums and penalties ſo to be recovered ſhall be applied to the purpoſes of the ſaid recited act.

CHAP. XVI.

An Act for continuing and amending ſeveral Temporary Statutes, and for other Purpoſes therein mentioned.

Coals. 31 G 2. 14. continued to 1ſt of May 1774, &c.

WHEREAS an act paſſed in the thirty firſt year of his late Majeſty King George the ſecond, intituled, *An act for the better ſupplying the city of Dublin with coals, and for the better encouragement of the colleries of this kingdom*: and whereas it was enacted, that the ſaid act ſhould continue in force until the firſt day of May, which will be in the year of our Lord one thouſand ſeven hundred and ſixty ſix, and from thence to the end of the then next ſeſſion of Parliament: and whereas it is thought convenient, that the ſaid act be further continued: be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid act ſhall be further continued in full force until the firſt day of May, which ſhall be in the year of our Lord one thouſand ſeven hundred and ſeventy four, and from thence to the end of the then next ſeſſion of Parliament.

Tythes, 1 G. 2. 12. 5 G 2. 6. 7 G. 2. 7. ſo far as relating to tythes and ſmall dues continued 11 years from 25 March 1764, &c.

II. And be it further enacted by the authority aforeſaid, That whereas an act paſſed in the firſt year of the reign of his late Majeſty King George the ſecond, intituled, *An act for the more eaſy recovery of tythes and other eccleſiaſtical dues of ſmall value*, which ſaid act was revived and continued by an act made in the fifth year of his late Majeſty, intituled, *An act for continuing ſeveral temporary ſtatutes made in this kingdom, and now near expiring, and for the amendment of the ſtatutes therein mentioned*, and was further continued by another act made in the ſeventh year of his late Majeſty, intituled, *for continuing ſeveral temporary ſtatutes, and for other purpoſes therein mentioned*, until the twenty fifth of March one thouſand ſeven hundrd and forty, and from thence to the end of the then next ſeſſion of Parliament:

and forasmuch as the said acts of the first and fifth years of his late Majesty, so far as they relate to the recovery of tythes and other ecclesiastical dues of small value, were continued by an other act made in the fifteenth year of his late Majesty, further continued for eleven years from the twenty fifth day of March one thousand seven hundred and forty two, and from thence to the end of the then next session of Parliament: and whereas the said recited acts were by an act of the twenty fifth year of his late Majesty, intituled, *An act for continuing several temporary statutes now near expiring*, continued for the term of eleven years from the twenty fifth day of March one thousand seven hundred and fifty three, and from thence to the end of the then next session of Parliament: and whereas it is thought expedient, that the said acts should be continued: be it enacted by the authority aforesaid, That the said recited acts made in the first, fifth, and seventh years of his late Majesty, and all and every the clauses, articles, and provisoes therein contained, so far as they relate to the recovery of tythes and other ecclesiastical dues of small value, shall be continued in full force for the term of eleven years from the twenty fifth day of March one thousand seven hundred and sixty four, and from thence to the end of the then next session of Parliament.

1 *G.* 3. 17. s. 16 & 17. and so much thereof as relates to colliers, miners, carmen, and coal-buyers, continued to 1st May 1776, &c.

III. And whereas by an act passed in the first year of his present Majesty's reign, intituled, *An act for the reviving, continuing, and amending several temporary statutes, and for other purposes therein mentioned*, two clauses relating to colliers, miners, carmen, and buyers of coal, were by the said recited act enacted, and by a proviſoe in the said act it was enacted, that the said two clauses should continue to the first day of May one thousand seven hundred and sixty four, and to the end of the then next session of Parliament: and whereas it is expedient, that the said two clauses should be continued; be it enacted by the authority aforesaid, That the said two clauses, and so much of the said act as relate to colliers, miners, carmen, and buyers of coals, shall be continued in full force to the first day of May, which will be in the year of our Lord one thousand seven hundred and seventy six, and from thence to the end of the then next session of Parliament.

Lights.

33 *G.* 2. 18. s. 25. trustees therein named as to 1500l. shall by notice in writing require lord mayor to appoint it with-

IV. And whereas by an act of Parliament made in the thirty third year of the reign of his late Majesty King George the second, intituled, *An act for the more effectual enlightening of the city of Dublin, and the liberties thereof, and for the erecting of publick lights in the other cities, towns corporate, and market towns in this kingdom*, it is enacted, That a sum of one thousand five

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hundred pounds ſterling ſhall be raiſed and levied off the inhabitants of the city of Dublin, to be applotted as in the ſaid act mentioned, and paid into the hands of ſir Charles Burton, baronet, and James Dunn, eſq; in truſt, to be by them applied as by the ſaid act is directed: and whereas the ſaid recited part of the ſaid act relative to the ſaid ſum of one thouſand five hundred pounds ſterling, requires ſome amendments, as the ſaid ſum of one thouſand five hundred pounds ſterling could not be raiſed by virtue of the ſaid recited act, and almoſt the whole of the ſaid ſum of one thouſand five hundred pounds ſtill remains due to the ſaid truſtees: for remedy whereof, be it enacted by the authority aforeſaid, That the ſaid ſir Charles Burton and James Dunn, the truſtees in the ſaid act named, or the ſurvivor of them, or the executors, adminiſtrators, or aſſigns of ſuch ſurvivor, ſhall from and immediately after the paſſing of this act, by notice under their or any of their hands, require the lord mayor of the city of Dublin for the time being, to applot the ſaid ſum of one thouſand five hundred pounds ſterling upon and amongſt the ſeveral pariſhes in the city of Dublin and the liberties thereof, within any ſpace of time not leſs than ten days from the day of the ſervice of ſuch notice.

in 10 days on the city and liberties.

V. And be it enacted by the authority aforeſaid, That the ſaid lord mayor of the city of Dublin, who ſhall be ſo ſerved with ſuch notice, ſhall within the time limited by ſuch notice, or ſuch further time as ſhall be for that purpoſe allowed by the ſaid truſtees, applot the ſaid ſum of one thouſand five hundred pounds ſterling, and ſuch further ſum to be added thereto, not exceeding ſix pence in the pound for the expence and trouble of collecting the ſaid ſum of one thouſand five hundred pounds, as the ſaid lord mayor ſhall ſeem meet, upon and amongſt the ſeveral pariſhes in the ſaid city of Dublin and the liberties thereof rateably and in proportion to the annual ſum, paid by each pariſh in the ſaid city of Dublin and the liberties thereof, to the miniſters of ſuch reſpective pariſhes, or for watch money, or according to ſuch rule as has been uſually followed in the applotment of publick charges upon the ſeveral pariſhes in the ſaid city of Dublin and the liberties thereof.

Lord mayor to applot the 1500*l.* and a ſum not above 6*d.* *per* pound for collecting in proportion to miniſter's or watch money, or as in applotment of publick charges;

VI. And be it further enacted by the authority aforeſaid, That after ſuch applotment the ſaid lord mayor ſhall upon demand of the ſaid truſtees, or the ſurvivor of them, or the executors, adminiſtrators, or aſſigns of ſuch ſurvivor, or of ſome perſon duly authorized by them, or ſome of them, deliver a copy of ſuch applotment by him the ſaid lord mayor ſubſcribed, and under the ſeal of the ſaid city of Dublin, to the ſaid truſtees, or one of them, or the ſurvivor of them, or the executors, admiſtrators, or aſ-

And give a copy ſigned by him and under the city ſeal to the truſtees.

ſigns

ſigns of ſuch ſurvivor, or to ſuch perſon as ſhall by them or any of them be duly authorized to demand and receive the ſame.

Apportioned by church-wardens in a month on inhabitants ſubject to lamp money.

VII. And be it further enacted by the authority aforeſaid, That the ſaid truſtees, or the ſurvivor of them, or the executors, adminiſtrators, or aſſigns of ſuch ſurvivor, ſhall by notice in writing by them, or the ſurvivor of them, or the executors, adminiſtrators, or aſſigns of ſuch ſurvivor, ſubſcribed at the foot of true copies of ſuch applotment ſo made by the ſaid lord mayor, require the church-wardens for the time being of the ſeveral and reſpective pariſhes in the city of Dublin and liberties thereof to applot and apportion the ſum, ſo by the lord mayor upon ſuch reſpective pariſhes applotted upon the ſeveral inhabitants thereof, who are or ſhall be ſubject to the payment of lamp money, within ſome certain time in ſuch notice to be ſpecified, not leſs than one calendar month after the ſervice thereof.

And aſſeſſed in proportion to lamp money.

VIII. And be it enacted by the authority aforeſaid, That the church-wardens of every of ſuch pariſhes, who ſhall be ſo ſerved as aforeſaid, or their ſucceſſors, ſhall within the ſaid ſpace of time, or ſuch further ſpace of time as the ſaid truſtees may for that purpoſe allow them, by and with the conſent of the reſt of the pariſhioners of ſuch reſpective pariſhes, or the greater part of them in veſtry aſſembled, and which the miniſter of each reſpective pariſh ſhall call, if ſuch conſent ſhall be obtained, or if not, without ſuch conſent, aſſeſs upon all and every the inhabitants within ſuch reſpective pariſhes ſuch proportion of the ſum ſo by the lord mayor to be applotted upon ſuch reſpective pariſhes, as each of the ſaid inhabitants ought to pay rateably and in proportion to the lamp money payable by each of the ſaid inhabitants.

Aſſeſſments returned to truſtees in 6 days after demand:

IX. And be it enacted by the authority aforeſaid, That true copies of ſuch reſpective aſſeſſments ſigned and ſealed by them, the church-wardens of the ſaid reſpective pariſhes or their ſucceſſors, ſpecifying the proportion of the ſum ſo by the lord mayor to be applotted upon the ſaid reſpective pariſhes, which each inhabitant thereof, ſubject to the payment of lamp money ought to pay, ſhall, after ſuch reſpective aſſeſſments ſhall be made, be returned and delivered by the ſaid reſpective church-wardens to the ſaid truſtees, or the ſurvivor of them, or the executors, adminiſtrators, or aſſigns of ſuch ſurvivor, or to ſome perſon or perſons by them or ſome of them by writing under hand and ſeal duly authorized to receive the ſame, within ſix days after demand ſhall be made thereof either perſonally or by notice in writing left at the places of abode of ſuch church war-

dens by the perſon or perſons, who ſhall be intitled to receive the ſame; and that in default of ſuch reſpective church-wardens making ſuch aſſeſſments, or returning the ſame as aforeſaid, that then and in ſuch caſe ſuch church-wardens ſo making default ſhall be anſwerable to the ſaid truſtees or the ſurvivor of them, or the executors, adminiſtrators, or aſſigns of ſuch ſurvivor, for the ſum to be applotted by the ſaid lord mayor upon the pariſh, of which they ſhall be church-wardens, in an action at the ſuit of the ſaid truſtees, or the ſurvivor of them, or the executors, adminiſtrators, or aſſigns of ſuch ſurvivor againſt the ſaid church-wardens, as for ſo much money had and received for their uſe.

church-wardens on default anſwerable in action for the ſum by truſtees,

Aſſeſſments paid to perſons authorized by truſtees by writing before two witneſſes;

X. And be it further enacted by the authority aforeſaid, That after ſuch aſſeſſments made and returned in the ſaid reſpective pariſhes as aforeſaid, the ſeveral and reſpective inhabitants thereof ſhall pay off and diſcharge to ſuch perſon or perſons, as ſhall by writing by the ſaid truſtees, or the ſurvivor of them, or the executors, adminiſtrators, or aſſigns of ſuch ſurvivor, ſubſcribed and ſealed in the preſence of two or more credible witneſſes, be authorized to receive the ſame, ſuch reſpective ſum and ſums of money ſo to be applotted and aſſeſſed upon them as aforeſaid; and in default of payment thereof for the ſpace of ſeven days after perſonal demand thereof or demand in writing by the perſon or perſons ſo authorized to collect the ſame, left at the place of abode within the ſaid reſpective pariſhes of ſuch perſon or perſons ſo aſſeſſed; that then, and in ſuch caſe, the ſaid reſpective ſums of money ſo to be aſſeſſed by the ſaid church-wardens, ſhall be ſued for and recovered from the ſaid inhabitants, by the perſon or perſons ſo by the ſaid truſtees or the ſurvivor of them, of the executors, adminiſtrators, or aſſigns of ſuch ſurvivor authorized to receive the ſame, in ſuch manner, and by ſuch ways and means, to all intents and purpoſes, as the lamp money now payable by the inhabitants of the ſaid city of Dublin and the liberties thereof, can by the ſaid recited act be ſued for and recovered by the collectors thereof, or by any perſon or perſons whatſoever, as amply as if the parts of the ſaid recited act relative to the recovery of lamp money had been herein inſerted, and the ſame powers by expreſs words veſted in the perſon and perſons ſo to be appointed by the ſaid truſtees to collect the ſaid ſums.

on default, ſued for as lamp money by 33 G. 2. 18.

Allowance for ſums paid under ſaid act.

XI. Provided always, and be it enacted by the authority aforeſaid, That ſaid truſtees, and their collector or collectors ſhall give credit and and allowance out of the ſums ſo to be applotted to the reſpective inhabitants of the ſaid city of Dublin and the liberties thereof, for all ſuch ſums, as have been by them reſpec-

tively or the former inhabitants of the ſame houſes paid to the ſaid truſtees under or in compliance with the ſaid recited act.

Water-courſes, mayor, aldermen, and repreſentatives of cities, except Dublin, commiſſioners to preſerve water-courſes,

XII. And whereas it frequently happens, that water-courſes, by which cities are ſupplied with water, are permitted to run to decay, and are often obſtructed to great injury of the inhabitants of ſuch cities; for remedy whereof be it enacted by the authority aforeſaid, That the mayor, aldermen, and repreſentatives of every city in this kingdom for the time being, except the city of Dublin, ſhall be commiſſioners for preſerving all water-courſes, by which the reſpective cities are ſupplied with water; and they, or any three or more of them, ſhall have full power and authority to repair all ſuch water-courſes, and to remove all obſtructions in the ſame, and to take down any bank or dam, which ſhall be made to divert the water from the ſame, and to do all other acts and things which ſhall be neceſſary for making ſuch water-courſes effectual for the purpoſes of conveying water to the ſaid reſpective cities: and it ſhall and may be lawful to and for the grand juries of the reſpective cities at the aſſizes to preſent from time to time ſuch ſum or ſums to be raiſed in their reſpective cities, as ſhall be neceſſary for the keeping the reſpective water-courſes in repair, and for paying a man to ſuperintend and take care of the ſame, ſo as the ſaid ſums ſhall not exceed in any one year the ſum of twenty pounds; the ſaid ſums to be paid to the ſaid commiſſioners, or any five or more of them; and the judges of aſſizes ſhall confirm ſuch preſentments in the ſame manner, as other preſentments of a like nature are to be confirmed; and the ſums ſo preſented ſhall be levied in the ſame manner as other publick money.

grand juries thereof at aſſizes may preſent for keeping in repair, and paying a ſuperintendant, not exceeding 20l. a year, paid to commiſſioners or any 5, confirmed and levied as other publick money.

XIII. And be it enacted by the authority aforeſaid, That from and after the firſt day of May next if any perſon or perſons ſhall wilfully do any damage to ſuch water-courſe, or obſtruct the paſſage of the water therein, ſhall forfeit for every ſuch offence the ſum of five pounds; to be recovered by any perſon who ſhall ſue for the ſame by civil bill upon proof of the ſame by the oath of one or more credible witneſſes; the whole of the forfeiture to go to the informer.

5l. penalty damaging or obſtructing, by civil bill, to informer.

XIV. Provided always, that nothing herein contained ſhall be conſtrued to give the ſaid commiſſioners any power to pull down any mill-dam, or to impede the conveying of water to any mill now erected, in ſuch manner as has been heretofore accuſtomed.

Not to impower to pull down a mill-dam, or impede accuſtomed conveyance of water.

XV. Provided alſo, That if any perſon ſhall be ſued for any thing, he ſhall do in purſuance of this act, he may plead the general iſſue, and give the ſpecial matter in evidence.

General iſſue, &c.

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Cork. 50l. a year above the uſual ſums may be preſented and confirmed for treaſurer of the county of Cork.

XVI. And whereas it is expedient that the grand jury of the county of Cork ſhall have power to preſent a greater yearly ſum for the treaſurer of the ſaid county, than they by the laws now in force are impowered to do, the ſaid county being of large extent, and requiring a treaſurer very converſant in accounts and who can give ſecurity for the large ſums neceſſary to be raiſed in that county: be it enacted by the authority aforeſaid, That from and after the firſt day of May one thouſand ſeven hundred and ſixty four the grand jury at the aſſizes to be held for the ſaid county from time to time ſhall have power, if they think fit, to make preſentments in the uſual manner for the raiſing any ſum not exceeding fifty pounds a year for the treaſurer of the ſaid county for the time being over and above the ſums, which the grand jury of the ſaid county is impowered by the laws now in force to preſent for ſuch treaſurer; and the judges at ſuch aſſizes ſhall and may confirm the ſaid preſentment.

Charities. Governors or truſtees of charities under acts of Parliament may ſurrender on 1 month's notice in writing to the corporation, who may accept and proceed to elect another.

XVII. And whereas ſeveral perſons have been named in acts of Parliament, made in this kingdom from time to time as governors or truſtees of ſeveral charitable foundations: and whereas ſeveral other perſons upon the death of governors and truſtees have been ſince elected governors or truſtees of ſuch foundations in purſuance of the powers in the ſaid acts contained: and whereas ſeveral of the truſtees or governors ſo named and elected are or may be prevented attending the buſineſs of ſuch charitable foundations either by their age, infirmities, or other affairs, whereby the buſineſs relating to ſuch charitable foundations may be greatly delayed, and the good intents of the ſaid acts in a great meaſure defeated; and whereas it may be doubted, whether ſuch governor or truſtee ſo incapacitated can reſign ſuch his office, or whether the corporation, of which ſuch governor or truſtee is a member, can elect another governor or truſtee in the place of the perſon ſo reſigning: for remedy whereof be it enacted by the authority aforeſaid, That from and after the firſt day of June one thouſand ſeven hundred and ſixty four it ſhall and may be lawful to and for any of the governors or truſtees named or elected heretofore, or hereafter to be elected or choſen, under any of the ſaid acts at any corporate meeting of ſuch governors or truſtees, whereof ſuch perſon is or ſhall be a member, to ſurrender and make void under his hand and ſeal his place or office of governor or truſtee of ſuch charitable foundation on giving notice in writing to the governors of ſuch corporation, of which he is a member, corporately aſſembled at leaſt one month before ſuch his intention ſo to do; and thereupon the governors or truſtees of ſuch corporation in being, or a ſufficient

a ſufficient number of them, preſcribed by their different charters or acts to conſtitute a board, are hereby impowered from time to time to accept of ſuch reſignation or ſurrender, and to proceed to the election of another governor or truſtee to act in the place or ſtead of the perſon ſo reſigning, as if ſuch perſon was naturally dead, according to and in purſuance of ſuch regulations as are contained in the act of Parliament conſtituting the corporation, whereof the member ſo reſigning has been a governor or truſtee. A. D. 1763.

CHAP. XVII.

An Act for continuing and amending certain temporary Statutes heretofore made for the better Regulation of the City of Cork, and for enlarging the Salary of the Treaſurer, and for the better regulating the Sale of Coals in the ſaid City, and for erecting and continuing Lamps in the ſame, and for the better preſerving the Streets and Highways therein, and for confirming and eſtabliſhing a Court of Conſcience in the ſaid City, and for regulating the Aſſize of Bread therein, and for ſecuring the Quays by Parapet Walls.

WHEREAS an act paſſed in the firſt year of the reign of his preſent Majeſty, intituled, *An act for the more eaſy and equal aſſeſſing all money preſented by the grand jury of each aſſizes to be held for the city and county of the city of Cork, and for putting the coaches, chaiſes, chairs, and ſedans, that ply for hire in the ſaid city, under the like regulations for the benefit of the work-houſe of Cork, as they are in Dublin, and alſo for the better regulating the harbour of Cork*, hath been found by experience to be of great advantage to the city and county of the city of Cork: and whereas the ſeveral clauſes therein relative to the aſſeſſing, and applotting, and raiſing publick money are limited and made to continue for two years from the firſt day of June one thouſand ſeven hundred and ſixty two, and from thence to the end of the next ſeſſion of Parliament: be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid act and the ſeveral clauſes thereof be made perpetual with the ſeveral amendments and explanations herein after mentioned. 1 *G.* 3. 18. made perpetual with amendments.

II. And whereas it may become a doubt, whether hackney-chaiſes, other than poſt-chaiſes, and chairs drawn by horſes, are comprehended within the ſaid recited act of Parliament, be it All chaiſes and chairs drawn by horſes and kept for hire, deemed

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it enacted and declared by the authority aforeſaid, That all chaiſes and chairs drawn by horſes, and kept by any perſon for hire, ſhall be deemed and taken to be comprehended and contained within the ſeveral orders and regulations of the ſaid act of Parliament; and that all ſuch chaiſes, other than poſt-chaiſes, and chairs drawn by horſes, ſhall be licenſed in ſuch manner, and pay to the governors of the work-houſe eſtabliſhed in the ſaid city and their ſucceſſors ſuch fines and yearly rent, as chairs by the ſaid act are ordained to do.

within that act, (*ſec.* 11.) and licenſed, and pay fines and rent to the work-houſe in Cork as chairs.

III. And whereas ſeveral owners and keepers of the hackney-coaches, poſt-chaiſes, and horſe-chairs, who keep the ſame for hire in the ſaid city of Cork, have omitted and refuſed to take out licences purſuant to the ſaid act, and to ply for hire within the county of the city of Cork: be it enacted by the authority aforeſaid, That from and after the firſt day of May one thouſand ſeven hundred and ſixty four all and every perſon or perſons reſiding within the city or county of the city of Cork, who ſhall keep, drive, or let out for hire any hackney-coach, poſt or other chaiſe, or horſe-chair, either to places within the ſaid city, or county, or elſewhere, ſhall be obliged to take out a licence for every ſuch coach, poſt or other chaiſe or chair, before the ſaid firſt day of May one thouſand ſeven hundred and ſixty four, or within three months after any ſuch owners or keepers of hackney-coaches, chaiſes, or chairs, and ſet up the ſame to be lett to hire in the ſaid city or county of the ſaid city, and ſhall be obliged to ply for hire within the ſaid city and county of the ſaid city under ſuch regulations and penalties, and in ſuch manner, as in the ſaid act is mentioned; and that every ſuch keeper of any hackney-coach, poſt or other chaiſe, or horſe-chair, who keeps the ſame for hire, ſhall quarterly on every firſt day of September, December, March, and May in every year, or within five days after, give and return to the mayor of the ſaid city of Cork or his clerk a true account in writing of their names and places of abode, and the number of their coaches, poſt-chaiſes, chairs, and horſes, and the places where they reſpectively keep the ſame; and that the ſaid mayor, or his clerk ſhall cauſe the ſame to be regiſtred in a book to be kept in the office of the town-clerk of the ſaid city, to which every perſon ſhall have liberty to reſort without fee or reward.

Owners of hackney-coaches, poſt-chaiſes, and horſe chairs for hire in Cork obliged to take out licence, and to ply for hire under ſaid act, and give quarterly returns to the mayor, to be regiſtered, and reſorted to without fee.

IV. And be it further enacted by the authority aforeſaid, That if any owner, keeper, or driver of a coach, poſt or other chaiſe, or horſe-chair within the ſaid city of Cork or the liberties thereof for the letting out the ſame to hire ſhall from and after the firſt day of May one thouſand ſeven hundred and ſixty

Penalty 20s. on complaint before the mayor to uſes in ſaid act.

four refuſe to ply for hire within the ſaid city or county of the ſaid city, every ſuch owner, keeper, or driver, ſhall for every ſuch offence forfeit the ſum of twenty ſhillings; and that if any ſuch owner, keeper, or driver of a coach, poſt, or other chaiſe, or horſe-chair within the ſaid city or the liberties thereof ſhall after the time aforeſaid neglect or omit to give the mayor of the ſaid city a true account and return in writing of his name and place of abode, and the number of his coaches, poſt-chaiſes, or other chaiſes, chairs, and horſes, on the ſeveral and reſpective days aforeſaid, or to take out ſuch licences as aforeſaid, every ſuch owner or keeper, for every time he ſhall neglect or omit to make ſuch return as aforeſaid, and alſo for every month he ſhall neglect or omit to take out ſuch licence, ſhall forfeit the like ſum of twenty ſhillings; the ſaid ſeveral penalties to be recovered and levied upon complaint being made before the mayor of the ſaid city of Cork in ſuch manner, and for ſuch uſes and purpoſes, and be diſtributed, as the ſeveral other pecuniary penalties inflicted by the ſaid act on coachmen, poſt-chaiſe-men, and chair-men offending are appointed to be recovered and levied.

and 20s every month omitting to take out licence.

V. And whereas the treaſurer of the ſaid city and county of the ſaid city of Cork is now intitled to a yearly ſalary of twenty pounds only: and whereas the office of the treaſurer of the ſaid city and county of the ſaid city is grown very laborious and burthenſome by reaſon of the increaſe of the ſaid city, and of the ſeveral laws and regulations for levying of publick money: be it enacted by the authority aforeſaid, That from and after the firſt day of May one thouſand ſeven hundred and ſixty four it ſhall be lawful to and for the grand jury of the ſeveral aſſizes, to be held for the ſaid city and county of the ſaid city, to preſent any ſum not exceeding forty pounds for the yearly ſalary of the treaſurer of the ſaid city and county of the ſaid city, to be aſſeſſed, applotted, and raiſed in ſuch manner, and with ſuch powers, as the publick money preſented by the grand juries of the ſaid ſeveral aſſizes by the aforeſaid act made in the firſt year of his preſent Majeſty King George the third is appointed to be aſſeſſed, applotted, and raiſed.

Preſentment at aſſizes not exceeding 40l. yearly ſalary to treaſurer, raiſed as by 1 G. 3. 18.

VI. And whereas ſeveral perſons in the ſaid city of Cork make a practice of buying up very large quantities and often entire cargoes of coals, before the ſame are brought up to the quay or publick and uſual landing-places, and by theſe means engroſs large quantities of coals, and afterwards retail the ſame at exorbitant prices: and whereas by the ſeveral frauds practiſed in the coal trade of the ſaid city the poor of the ſaid city have been reduced to great diſtreſs: for remedy whereof be it enacted

Coals. None to purchaſe coals for ſale, or keep a yard or cellar, or act as factor or agent for coals, in Cork without licence on bond, &c. and 2 ſureties in 200l. penalty not to

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engroſs, foreſtal, or combine to raiſe the price.

enacted by the authority aforeſaid, that from and after the firſt day of May one thouſand ſeven hundred and ſixty four no perſon ſhall be allowed to purchaſe coals for ſale, or keep any yard or cellar for ſelling coals, or to act as factor, purſer, or agent for buying or ſelling coals in the ſaid city, without having a written licence for that purpoſe ſigned by the mayor, ſheriffs, and common council of the ſaid city; and that no ſuch licence ſhall be granted unleſs the perſon deſiring ſuch licence ſhall firſt enter into a bond with two ſufficient ſecurities of the penalty of two hundred pounds ſterling to the mayor of the ſaid city for the time being, conditioned that ſuch perſon or perſons ſhall and will not be in any ſort concerned in engroſſing, foreſtalling, or regrating, or in any combination for raiſing the price of coals in the ſaid city or liberties thereof; and that ſuch licence ſhall be for and during good behaviour; for which licence, and alſo for filling up the ſaid bond, one ſhilling and no more ſhall be paid.

Fee 1s.

Coal-factors never above 15, not to buy to ſell again, nor above 20 tuns for their own conſumption.

VII. And be it further enacted by the authority aforeſaid, That the ſaid factors, purſers, or agents ſhall never exceed the number of fifteen, and ſhall never buy any coals to ſell again; and that no ſuch factor, purſer, or agent ſhall buy in any one year for his own conſumption a greater quantity than twenty tuns; and every perſon, who ſhall keep any yard or cellar for ſelling coals in ſaid city or the liberties thereof without firſt obtaining ſuch licence, and every factor, purſer, or agent, who ſhall buy any coals to ſell again, ſhall for every ſuch offence forfeit one hundred pounds.

Penalty 100l.

Oath by factors before mayor.

VIII. And be it enacted by the authority aforeſaid, That every ſuch factor, purſer, and agent ſhall take an oath, to be adminiſtred by the mayor of the ſaid city, (which oath the ſaid mayor is hereby impowered to adminiſter) that he will not during the time of his being factor, purſer, or agent buy any coals to ſell again, and that he will exerciſe the ſaid office faithfully, diligently, and impartially between the ſellers and buyers of coals.

No coal-yard or cellar kept, nor lighters for carrying coals, by factors without licence,

IX. And be it enacted by the authority aforeſaid, That no perſon ſhall keep a coal-yard or cellar, or being concerned as factor, purſer, or agent, ſhall keep any lighter, boat, or gabbard, for the purpoſe of carrying coals; and that no perſon ſhall keep ſuch lighter, boat, or gabbard without having a licence for that purpoſe ſigned by the mayor for the time being, and to be in force during good behaviour; for which licence one ſhilling and no more ſhall be paid; and every perſon, who ſhall offend herein, ſhall for every ſuch offence forfeit fifty pounds.

penalty 50l.

X. And

X. And be it enacted by the authority aforeſaid, That the maſter of every veſſel bringing coals to the ſaid city ſhall be obliged immediately on the arrival of every ſuch veſſel at any of the quays, or publick or uſual landing-places of the ſaid city, to hang at the maſt of his ſaid veſſel, or of the lighter, boat, or gabbard, in which coals ſhall be brought up to the ſaid quays or landing-places, a board with the true name of the place, from whence the ſaid coals were ſhipped and brought, written or painted thereupon in large legible characters; and every perſon, who ſhall keep a yard or cellar for ſelling coals in the ſaid city, ſhall hang at the door of the ſaid yard or cellar a board with the denomination of the coals then contained in the ſaid yard or cellar painted or written thereon in large legible characters; and every perſon offending herein ſhall forfeit the ſum of twenty pounds; and every maſter, factor, or porter, and every perſon who ſhall knowingly or willingly ſell coals by a falſe denomination, or impoſe, or be any wiſe aiding or inſtrumental in impoſing, on any buyer of coals touching the denomination or kind of the ſaid coals, ſhall for every ſuch offence forfeit the ſum of thirty pounds.

A board with name of the place whence hung at the maſt of veſſels on arriving at the quay, and at the door of yards or cellars; penalty 20l.

Selling or impoſing on buyer by falſe denomination, 30l.

XI. And for the preventing unlawful combinations to raiſe the price of coals in the ſaid city, be it further enacted by the authority aforeſaid, That all contracts or agreements between any coal-owners, maſters or owners of ſhips, coal-factors, or other perſons concerned in the coal-trade, for raiſing the price of coals, or for reſtraining any perſon or perſons from freely ſelling, buying, unloading, or diſpoſing of coals, ſave as is herein before provided and enacted, ſhall be declared illegal and void: and that if any perſon or perſons ſhall make, enter into, act, or be knowingly concerned in any ſuch contract or agreement in the ſaid city or county of the city of Cork, every perſon ſo offending ſhall for every ſuch offence forfeit one hundred pounds, to be recovered by ſuch ſuit or action as hereinafter mentioned.

Agreements for raiſing price of coals, or reſtraining the free ſale, void; and penalty 100l.

XII. And be it enacted by the authority aforeſaid, That one moiety of the aforeſaid ſeveral penalties contained under ſo much of this act as relates to the regulating of the ſale, landing, and trade of coals, ſhall go and be paid to the informer; and the other moiety thereof to the treaſurer of the work-houſe, eſtabliſhed in the ſaid city of Cork, for the uſe of the ſaid work-houſe; and that the ſaid penalties, or ſuch of them as are not otherwiſe ordained, ſhall and may be recovered by action of debt, bill, plaint, or information in any of his Majeſty's courts of record in the city of Dublin, or by action of debt or plaint, to be commenced and proceeded upon in the uſual manner before

Said penalties as to ſale and trade of coals to informer and Cork work-houſe.

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the mayor and ſheriffs in the court of record of the city of Cork.

Rules for wages and conduct of meaſurers and porters by mayor and common council.

XIII. And for preventing of frauds by meaſurers, porters, and carmen of coals in the ſaid city and liberties thereof, be it enacted by the authority aforeſaid, That the mayor and common council of the ſaid city, or any ten or more of them, the mayor for the time being to be always one, ſhall have power from time to time to make ſuch rules, orders, and bye laws for fixing the wages and regulating the conduct of ſuch meaſurers, porters, and carmen, employed in the carriage or meaſurement of coals, as they ſhall think fit.

Lights. Repealed as to the erecting lamps in Cork. 5 *G.* 3. 24. *ſec.* 1.

Pariſhioners in city and ſuburbs of Cork to light lamps, fixed as by church-wardens and majority in veſtry.

XIV. " And whereas the ſeveral acts of Parliament, now in force in this kingdom for enlightning cities and towns, have been found ineffectual with reſpect to the city of Cork: be it enacted by the authority aforeſaid, That from and after the firſt day of Auguſt one thouſand ſeven hundred and ſixty four the pariſhioners of the ſeveral pariſhes of the city of Cork and liberties thereof, whereof any part lies within the ſaid city or the ſuburbs thereof, ſhall and are hereby required to light the lamps in ſuch parts of their reſpective pariſhes, as are within the ſaid city or ſuburbs thereof; and that ſuch convenient and ſufficient number of glaſs lamps ſhall with all convenient ſpeed be provided, erected, and fixed in the ſtreets, lanes, paſſages, and on the quays of the ſaid pariſhes, as to the church-wardens and ſuch part of the pariſhioners, as by this act ſhall be liable to the payment of lamp-money and qualified to vote at veſtries to be held by virtue of this act, or the major part of them, ſhall ſeem meet; which ſaid veſtries ſhall be held in the ſaid reſpective pariſhes on the firſt day of May one thouſand ſeven hundred and ſixty four, or, if the ſame ſhall happen on a Sunday, the day after, and continued by adjournment if neceſſary from day to day, Sundays excepted, until they ſhall have concluded and compleated the ſeveral regulations herein after mentioned; and that ſuch lamps ſhall be lighted, prepared, and maintained in ſuch manner, as to the church-wardens and ſuch reſpective inhabitants as aforeſaid of the ſaid reſpective pariſhes at a veſtry, to be held from time to time on every firſt day of May, (if Sunday on the day after) and by adjournment from day to day (Sundays excepted) in each year, ſhall from time to time ſeem meet and expedient; which veſtries the miniſters of every pariſh within the ſaid city of Cork and the ſuburbs thereof are hereby required to call, and on their default ſhall notwithſtanding aſſemble; and that the ſaid lamps ſhall be of ſuch ſort, as to the mayor and common council of the city of Cork ſhall ſeem proper;

Veſtries held every 1ſt of May, if Sunday the day after, and ſo by adjournment.

The lamps of ſuch ſort as by mayor and council,

proper; and that the mayor of Cork for the preſent year before the twenty fifth day of March next ſhall order a lamp or lamps of ſuch ſort and faſhion, as ſhall be approved of by the ſaid mayor and common council of the ſaid city of Cork, to be depoſited in the Tholſel of the ſaid city for the inſpection of the church-wardens and pariſhioners of the ſeveral and reſpective pariſhes.

a pattern depoſited in the Tholſel.

XV. And be it enacted by the authority aforeſaid, That the ſaid lamps ſhall be erected and fixed to or near any houſe or building, or on poſts or irons, or otherwiſe, and at ſuch diſtances one from another, not exceeding thirty yards, tranſverſely on both ſides of the ſeveral ſtreets, lanes, pariſhes, and ways in reſpective pariſhes of the ſaid city and ſuburbs, and ſhall project two foot and an half into the ſame; and that the ſaid lamps ſhall be kept lighted and burning from a quarter of an hour after ſunſetting to a quarter of an hour before ſun-riſing from the firſt day of Auguſt to the firſt day of May in every year.

Fixed to a houſe or poſts, &c. not above 30 yards diſtant, tranſverſely, and projecting 2 feet and a half;

lighted a quarter after ſunſet to quarter before ſunriſe from 1 Aug. to 1 May.

XVI. And in order to defray the firſt expence of buying and erecting ſuch lamps, poſts, or irons, and alſo the yearly charges of lighting, ſupplying, maintaining, and repairing the ſame, be it enacted by the authority aforeſaid, That the church-wardens or a church-warden of every pariſh ſhall preſide at the ſeveral veſtries to be held in purſuance of this act in the ſaid reſpective pariſhes; and every inhabitant being the head of a family, and being occupier of a houſe within ſuch pariſh, and within the ſaid city or the ſuburbs thereof, and within the extent of the lamps, after the ſame ſhall be fixed, of the yearly value of five pounds and upwards, and no other, may attend and give his reaſons and vote as an inhabitant; and that at the ſeveral veſtries to be held on the firſt day of May one thouſand ſeven hundred and ſixty four, or ſome adjournment thereof to be held as aforeſaid, in the ſaid ſeveral pariſhes, the church-wardens and major part of the inhabitants preſent, qualified as aforeſaid, ſhall agree upon and determine by an order in writing to be ſigned by the church-wardens, or one of them, the number of lamps to be erected and fixed in their ſeveral pariſhes, and in what places and manner, and in what diſtances, the ſame ſhall be fixed and erected in the ſeveral and reſpective ſtreets, lanes, paſſages, and upon the quays in the reſpective pariſhes, ſo as no order ſhall be made by them inconſiſtent with this act, and ſhall then alſo make an eſtimate in writing to be ſigned by the church-wardens, or one of them, of the coſts of ſuch lamps, and of the expence of erecting thereof, and all other expences relative to the lighting and maintaining the ſame to the firſt day of May one thouſand ſeven hundred and ſixty five, and alſo of the rate and proportion

A church warden to preſide at veſtry,

occupiers of houſes 5l. yearly, attend and vote as inhabitant,

the number and manner determined at veſtry by order in writing,

and eſtimate the expences and rates.

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to be paid by the reſpective pariſhes of the money advanced by the mayor and council of the city of Cork, as herein after is mentioned, for immediately lighting the ſaid city.

And ſo to the 1ſt of May yearly.

XVII. Be it further enacted by the authority aforeſaid, That at the ſeveral veſtries to be held on every firſt day of May after the year one thouſand ſeven hundred and ſixty four, or ſome adjournment thereof to be held as aforeſaid, the church-wardens and major part of the inhabitants qualified as aforeſaid ſhall and may from year to year make ſuch orders and alterations with reſpect to the number of places, and diſtances, of the lamps to be fixed in the reſpective pariſhes, as they ſhall think fit, not inconſiſtent with this act, and ſhall then alſo make an eſtimate of the coſts of altering, repairing, lighting, and maintaining the lamps in their reſpective pariſhes to the firſt day of May in the enſuing year.

Valuators appointed at veſtry,

XVIII. And be it further enacted by the authority aforeſaid, That the church wardens and inhabitants qualified as aforeſaid of the ſaid reſpective pariſhes reſpectively at the ſaid veſtries to be called on the firſt day of May one thouſand ſeven hundred and ſixty four, or at ſome ſuch adjournment thereof as aforeſaid, ſhall nominate and appoint three or more diſcreet judicious perſons, inhabitants of ſuch pariſh, to be valuators to value and eſtimate the yearly value of every houſe, tenement, out-houſe, office, cellar, ware-houſe, ſtore-houſe, and ſtore-yard, with their appurtenances in ſuch pariſh and within the ſaid city and ſuburbs thereof, ſo far as they ſhall be ordered to be lighted by the veſtries of ſuch pariſh; which valuation the ſaid valuators ſo appointed as aforeſaid, or the major part of them, ſhall before the twenty fourth day of June one thouſand ſeven hundred and ſixty four return in writing under their hands, ſetting forth the ſeveral lots and concerns as ſeparately and diſtinctly as conveniently may be, and the names of the ſeveral occupiers thereof, to the church-wardens of the ſaid reſpective pariſhes; and ſhall at the foot of ſuch return make an affidavit, or, if of the people called Quakers, a ſolemn affirmation, in writing before ſuch church-wardens or one of them, (which the ſaid church-wardens are hereby impowered and required to take) that the ſame is a juſt, fair, full, and impartial valuation to the beſt of their ſkill and judgment; and that in caſe no ſuch veſtry ſhall aſſemble, or having aſſembled ſhall omit to name and appoint ſuch valuators, or if the valuators ſo appointed ſhall refuſe, neglect, or omit to make ſuch valuation, return, and affidavit as aforeſaid before the twenty fourth day of June one thouſand ſeven hundred and ſixty four, in every ſuch caſe the mayor of the ſaid city of Cork for the time being ſhall nominate and appoint three

who ſhall return on affidavit,

on their default valuators appointed by the mayor.

or

or more ſkilful inhabitants of ſuch pariſhes valuators to value and eſtimate ſuch houſes, tenements, out-houſes, offices, cellars, ware-houſes, ſtore-houſes, and ſtore-yards with the appurtenances in ſuch pariſh as aforeſaid, and to make and return ſuch valuation thereof as aforeſaid; which valuation the perſons ſo to be appointed by the mayor of Cork, or the major part of them, ſhall make and return with ſuch affidavits as aforeſaid at the foot thereof to the church-wardens of the reſpective pariſhes aforeſaid at or before the firſt day of Auguſt one thouſand ſeven hundred and ſixty four."

Penalty 10l. on valuators refuſing or neglecting, 20l. on default of return and affidavit.

XIX. "And be it further enacted by the authority aforeſaid, That in caſe any perſon or perſons, who ſhall be nominated and appointed to be a valuator or valuators in any of the ſaid pariſhes in purſuance of this act, whether he or they ſhall be ſo nominated by the ſaid reſpective veſtries or by the mayor of Cork, ſhall refuſe to take upon him or themſelves the ſaid office, or ſhall omit or neglect to execute the ſame to the beſt of his ability, ſkill, and knowledge, that every perſon ſo offending ſhall forfeit the ſum of ten pounds; and that in caſe the perſons, who ſhall be nominated and appointed valuators of any of the aforeſaid pariſhes, or the major part of them, ſhall omit or neglect to make ſuch return and affidavit or affirmation as aforeſaid before the twenty fourth day of June or the firſt day of Auguſt one thouſand ſeven hundred and ſixty four, as the caſe requires, that then and in ſuch caſe every of the valuators of ſuch pariſh ſo offending, ſhall forfeit the ſum of twenty pounds, to be recovered and diſpoſed of as herein after directed."

Affidavit and valuation lodged with town-clerk, and notice next Sunday in pariſh-church,

for 15 days acceſs thereto, or poſted on the door of the office,

and appeal to mayor and ſheriffs, who may impannel a jury and alter or confirm the valuation, with 20l penalty on diſmiſs of appeal.

XX. "And be it further enacted by the authority aforeſaid, That after ſuch affidavit and valuation as aforeſaid ſhall be made and returned to the church-wardens of the ſaid reſpective pariſhes, they ſhall forthwith lodge the ſame in the hands of the town-clerk of the ſaid city of Cork or his deputy, and cauſe notice thereof to be given to the pariſhioners on the next Sunday in the uſual manner at or after divine ſervice in their reſpective pariſh-churches; and that for fifteen days after ſuch notice as aforeſaid every perſon ſhall and may have acceſs to ſuch valuations in the hands of the ſaid town-clerk or his deputy; or the ſame or a true copy thereof ſhall be poſted on or near the door of his office; and if any perſon or perſons ſhall think him or themſelves aggrieved by ſuch valuation, he and they may within the ſaid fifteen days lodge their appeal and complaint to the mayor and ſheriffs of the ſaid city of Cork in their court of record, who ſhall at their next court, or as ſoon after as conveniently may be, conſider of the merits of ſuch ſeveral appeals; and at their diſcretion may, if they think fit, order the return-

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ing officer of ſuch court to impannel and return a jury for a tryal of any matters of fact; and after verdict or otherwiſe ſhall and may alter and correct ſuch valuations in the points complained of, or confirm the ſame, and diſmiſs ſuch reſpective appeals; and ſhall award twenty ſhillings by way of penalty againſt every appellant, whoſe appeal they ſhall diſmiſs, to be levied and applied in ſuch manner as herein after mentioned; and ſuch valuations as ſhall be finally ſettled and agreed upon by the ſaid court in caſe of any appeal, and in caſe of no appeal ſuch valuations as ſhall be returned by the valuators to be appointed in purſuance of this act, after fifteen days from notice being given to the pariſhioners as aforeſaid ſhall be final and concluſive to the reſpective owners and proprietors of the reſpective houſes, tenements, and premiſſes aforeſaid as to all purpoſes of this act; and the reſpective valuations of the ſaid ſeveral pariſhes, after the ſame are eſtabliſhed as aforeſaid, ſhall be tranſcribed and regiſtered at the expence of the reſpective pariſhes in a book or regiſtry to be kept in the office of the town-clerk of the ſaid city among the records thereof; in which book one or more blank leaves ſhall be left between the regiſtry of the valuation of the ſeveral pariſhes for the purpoſe of making entries therein of the future valuations of new buildings, as herein after is directed."

Such valuations eſtabliſhed concluſive, and regiſtered in pariſh-book.

XXI. "And be it further enacted by the authority aforeſaid, That the church-wardens and inhabitants of the ſaid reſpective pariſhes qualified as aforeſaid ſhall at the aforeſaid veſtries to be called on the firſt day of May one thouſand ſeven hundred and ſixty four, or at ſome adjournment thereof, and at the ſeveral veſtries to be afterwards called and aſſembled from year to year on every firſt day of May, or if a Sunday on the day following, or the major part of them, in ſuch manner as aforeſaid ſhall and may from year to year elect and appoint two or more diſcreet inhabitants of every of the ſaid pariſhes to be applotters and overſeers for overſeeing the ſeveral contracts, that ſhall be made for erecting, maintaining, lighting, or repairing the lamps, and for applotting on the ſeveral houſes and premiſſes liable thereto a proportionable part of the expences attending the altering, and maintaining, and lighting the lamps in the reſpective pariſhes for the enſuing year; and in caſe any of the ſaid pariſhes ſhall neglect or omit to appoint ſuch overſeers and applotters within fifteen days after the firſt day of May in any year, the mayor of Cork for the time being ſhall forthwith nominate and appoint two or more diſcreet inhabitants of the reſpective pariſhes neglecting to make ſuch appointment to execute the ſaid of-

Two or more applotters and overſeers appointed at veſtry, or on default 15 days after 1ſt May, by the mayor,

fices of overſeers and applotters within ſuch pariſhes for that year.

XXII. And be it further enacted by the authority aforeſaid, That the ſeveral perſons, who ſhall be nominated as overſeers and applotters as aforeſaid within the ſaid reſpective pariſhes at the ſeveral veſtries to be aſſembled on the firſt day of May one thouſand ſeven hundred and ſixty four, or in default of ſuch veſtries by the mayor of Cork, ſhall, as ſoon as they conveniently may after the valuations of the ſaid reſpective pariſhes ſhall be made, returned, and eſtabliſhed in manner herein before directed, and at fartheſt before the twenty ninth of September one thouſand ſeven hundred and ſixty four, aſſeſs and applot ſuch ſum or ſums of money, as ſhall be eſtimated and appointed by the ſaid reſpective veſtries to be raiſed in the ſaid reſpective pariſhes for the coſts and expences of erecting, lighting, and maintaining the lamps in every ſuch pariſh to the ſaid firſt day of May one thouſand ſeven hundred and ſixty five, and alſo for the rates and proportions to be paid by ſuch reſpective pariſhes, of the money advanced by the mayor and council of the ſaid city of Cork for the immediate lighting the ſaid city, as herein after is mentioned; and that the overſeers and applotters to be appointed in purſuance of this act, at any time after the ſaid year one thouſand ſeven hundred and ſixty four, ſhall from year to year, as ſoon as conveniently may be after the reſpective nominations, and at fartheſt before the twenty fourth day of June in every year, aſſeſs and applot ſuch ſum or ſums of money, as ſhall be eſtimated and appointed by the reſpective veſtries in every year to be raiſed in their reſpective pariſhes for altering, repairing, maintaining and lighting the lamps in ſuch pariſhes to the firſt day of May following; and that the ſeveral aſſeſſments and applotments to be made in purſuance of this act ſhall be made rateably and in proportion to the valuation of the ſeveral houſes, tenements, out houſes, offices, cellars, ware-houſes, ſtore-houſes, and ſtore-yards, with their appurtenances, which ſhall be made, returned, and eſtabliſhed in the ſaid reſpective pariſhes as herein ordained; and that the reſpective redundances or deficiences of the funds, raiſed in the ſaid reſpective pariſhes in every foregoing year, ſhall from time to time be added to, or deducted from the reſpective ſums, which ſhall from year to year be eſtimated to be raiſed, as the caſe ſhall happen, before the ſame are or ſhall be applotted and aſſeſſed for the enſuing year; and that the ſeveral aſſeſſments and applotments to be made as aforeſaid, ſhall on the twenty ninth day of September one thouſand ſeven hundred and ſixty four, and in every year afterwards on the twenty fourth day of June,

Overſeers and applotters before 24 June yearly, ſhall aſſeſs the ſum eſtimated on each pariſh.

aſſeſſments and applotments rateably and in proportion to the valuations;

redundancies or deficiencies added or deducted before enſuing aſſeſſment,

aſſeſſment on every 24 June, or in 10 days after, returned to church-wardens ſeparate-

or within ten days after ſuch reſpective days, be returned by the ſeveral applotters to the church-wardens of their reſpective pariſhes ſeparately and diſtinctly made upon the ſeveral occupiers and inhabitants of houſes and other premiſſes liable to the ſaid rates in writing under the hands of the reſpective applotters, or the major part of them, to be levied as herein after is directed, with an affidavit, or if of the people called quakers, a ſolemn affirmation, in writing at the foot thereof, to be made by the ſaid applotters, (which the ſaid church-wardens are hereby required and impowered to take without fee or reward) ſetting forth that the ſame is a juſt, fair, full, and impartial applotment to the beſt of their ſkill and judgment."

ly on inhabitants in writing on affidavit.

XXIII. "And be it further enacted by the authority aforeſaid, That every perſon, who ſhall be appointed an overſeer and applotter of lamp money, either by the veſtry of any pariſh, or the mayor of Cork, purſuant to this act, and ſhall refuſe to take ſuch office, or undertaking the ſame, ſhall omit or neglect the execution thereof, ſhall forfeit for every ſuch offence the ſum of ten pounds; and in every caſe, where the applotters of any of the ſaid pariſhes ſhall omit or neglect to return the applotment of ſuch pariſh in ſuch manner, and with ſuch affidavit, and within ſuch time as herein before is mentioned, that in every ſuch caſe each and every of the applotters of ſuch pariſh for that year ſo offending, ſhall forfeit the ſum of ten pounds; which ſeveral penalties are to be recovered and applied, as herein after is directed; and that the town clerk of the city of Cork, or his deputy, or any two other perſons to be appointed by the ſaid town clerk or deputy, ſhall applot the lamp-rate of ſuch pariſh for that year; and after the ſaid ſeveral applotments ſhall be returned to the reſpective church-wardens, every of the pariſhioners ſhall have acceſs thereto, and within ſeven days after ſuch return, a true copy thereof ſhall be poſted on one ſide of the church door of the reſpective pariſhes, and there remain for ſeven days; and in caſe any perſon or perſons ſhall think him or themſelves aggrieved therein, he or they may within fifteen days after ſuch poſting, lodge ſuch appeal to the mayor and ſheriffs of Cork in their court of record, as before is directed, with reſpect to the valuations of pariſhes; who ſhall thereupon hear and determine the merits thereof, and finally ſettle ſuch applotments in ſuch manner, as herein before is directed with reſpect to the ſaid valuation; ſave, that no penalty ſhall be awarded againſt any appellant, in caſe his appeal ſhall be diſmiſſed; and the ſeveral applotments, after they ſhall be eſtabiſhed as aforeſaid, ſhall be tranſcribed and regiſtered in books to be kept by the church-wardens in the ſaid reſpective pariſhes,

10l. penalty on overſeer or applotter on refuſal or neglect,

and 10l. on not returning applotment with affidavit;

lamp rates applotted by town clerk or deputies;

acceſs to applotments returned, and a copy on church door 7 days.

appeal in 15 days after poſting, and determined as the valuations;

applotments regiſtered by church-wardens, and handed to ſucceſſors.

pariſhes, which book ſhall from time to time be handed down and tranſmittted by the reſpective church-wardens to their ſucceſſors, and carefully kept along with the other pariſh-books."

A charge on inhabitants.

XXIV. "And be it further enacted by the authority aforeſaid, That the ſeveral ſums, which ſhall be applotted in purſuance of this act, ſhall be a charge on the inhabitants and occupiers of houſes, tenements, out houſes, offices, cellars, ware-houſes, ſtore-houſes, and ſtore-yards with their appurtenances in their reſpective pariſhes aforeſaid, and levied as hereafter is directed."

Houſes waſte, or above 10 yards beyond the laſt lamp, exempted.

XXV. "Provided always, That no proprietors or owners of houſes, tenements, or other premiſſes, which are or ſhall be waſte, during ſuch time as the ſame ſhall be waſte, nor any houſe, tenement, or other concern, ſituate above ten yards beyond the extent of the laſt lamp in any pariſh, ſhall be liable to pay any of the ſaid rates; and that if any inhabitant ſhall regiſter their names in the pariſh book of the reſpective pariſhes, and engage to their reſpective church-wardens by their bond or penal bill of four pounds, conditioned to light one or more private globe, lamp, or lamps, with their lights turned to the ſtreets, lanes, paſſages, or quays, ſubject to the ſame regulations with the publick lamps, and to pay for lighting the ſame, ſuch inhabitant ſhall be exempted from paying one half of the aſſeſſment for the ſupport of the publick lamps, which they would otherwiſe be liable to pay."

private globes, on regiſtry in pariſh books, and bond in 4l. exempt from half aſſeſſment.

A collector appointed by church-wardens with conſent of pariſhioners from year to year, to collect half-yearly.

XXVI. "And be it enacted by the authority aforeſaid, That it ſhall and may be lawful for the church-wardens of the reſpective pariſhes, with the advice and conſent of the pariſhioners, or the major part of them, immediately after the aforeſaid aſſeſſments ſhall be made and eſtabliſhed as aforeſaid, by appointment under the hands and ſeals of ſuch church-wardens or one of them, to nominate, elect, and appoint from year to year a ſubſtantial and reſponſible inhabitant in each of their reſpective pariſhes, to collect and receive the ſeveral aſſeſſments and ſums made payable by the ſeveral applotments, to be made as aforeſaid by each inhabitant of ſuch pariſh; and the collectors who ſhall be ſo choſen, ſhall be collectors for one year and no more, and ſhall collect and receive the ſame half-yearly of and from all perſons liable to pay the ſame; and all perſons, who ſhall be charged therewith, or be thereunto liable, ſhall pay ſuch ſums ſo aſſeſſed and applotted to ſuch reſpective collectors for the time being, by two half-yearly payments, ſuch collectors giving from time to time receipts *gratis*, if required; and that every ſuch collector ſhall at the veſtry, at which he ſhall be ſo choſen, or within the ſpace of twenty one days then next

oath by collector before church-wardens;

enſuing, before the church-wardens of the ſaid pariſh, for which he ſhall be ſo choſen collector, at ſuch time and place as ſuch church-wardens ſhall appoint, take and ſubſcribe the following oath, or ſolemn affirmation (being of the people called quakers) for the true and faithful execution of the ſaid office.

I A. B. *do ſwear, or affirm, That I will, according to the beſt of my abilities, ſkill, and knowledge, diligently and impartially well and truly perform and execute the office of a lamp-collector within this pariſh during the continuance of my ſaid office.*

So help me God.

which the church-wardens of every of the reſpective pariſhes are hereby impowered to adminiſter; and if any collector ſo choſen ſhall refuſe or neglect to take the ſaid oath or affirmation, or to take upon himſelf the ſaid office, or taking upon himſelf the ſaid office, ſhall neglect or refuſe to ſerve the ſame, he ſhall forfeit the ſum of twenty pounds, to be recovered by the perſon in the ſame manner, and for the uſe, that the forfeiture on valuators and applotters are herein after directed by this act.

20l. penalty on collectors for refuſal or neglect.

XXVII. And be it further enacted by the authority aforeſaid, That when any perſon ſhall refuſe or neglect to take upon him the ſaid office of a collector of lamp money, when choſen thereunto, or to execute the ſame, or ſhall depart this life, or abſcond from his creditors, before he has finiſhed his collection, it ſhall and may be lawful for the church-wardens of the pariſh for the time being, in every ſuch caſe, with the advice and conſent of the pariſhioners, or the major part of them, by appointment under the hands and ſeals of ſuch church-warden, to nominate and appoint ſome other perſon within ſaid pariſh to collect all ſuch ſums of money, as ſhall remain due and unpaid of ſuch aſſeſſment as aforeſaid; which perſon ſhall be liable, in caſe of refuſal or neglect of duty, to ſuch penalties and forfeitures, as the former collectors were liable unto.

Another collector appointed in like manner on refuſal, neglect, or vacancy.

XXVIII. Provided always, and be it enacted by the authority aforeſaid, That nothing herein contained ſhall be conſtrued to extend to oblige any perſon to ſerve the ſaid office of collector, who by the laws now in being is exempted from ſerving any pariſh office.

Perſons exempted from pariſh office excepted.

XXIX. And be it further enacted by the authority aforeſaid, That the ſaid ſeveral collectors for the time being, ſhall as often as they ſhall be reſpectively required, and on ſeven days notice in writing given to, or left for them reſpectively at his or their uſual

Collectors, when required and on notice in writing to deliver on

place of abode by the church-wardens of the reſpective pariſhes wherein ſuch collector ſhall live, deliver in upon oath or affirmation, if thereunto required, unto the ſaid church-wardens at ſuch time and place within their reſpective pariſhes, (which oath or affirmation the ſaid church-wardens are hereby impowered to adminiſter) a true, exact, and perfect account in writing under the reſpective hands of ſuch collector of all ſums of money, which he or they ſhall have received by reaſon of his or their office, and alſo a true liſt of the names of all perſons in their reſpective pariſhes who ſhall have neglected or refuſed to pay the aſſeſſments laid on them as aforeſaid, and the ſeveral ſums on them reſpectively due and in arrear, to the intent that the ſame may be ſpeedily ſued for and recovered; and if any collector after ſuch notice given ſhall neglect or refuſe to bring his accounts as aforeſaid, or to account for any ſum by him collected and received, and to pay the ſame and every part thereof as is hereby appointed, it ſhall and may be lawful to and for the mayor for the time being upon complaint made, and conviction of ſuch neglect or refuſal, to commit ſuch collector to the city gaol, there to remain without bail or mainprize until he ſhall have rendered and made true and perfect account and payment as aforeſaid."

oath to church-wardens an account in writing, and committed on refuſal.

XXX. "And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall neglect or refuſe to pay the ſum or ſums of money on him or them aſſeſſed as aforeſaid for the ſpace of ſeven days after perſonal demand thereof, or demand in writing left at the place of abode of ſuch perſon, or fixed at the door or gate of the place within the ſaid pariſh, on which ſuch rate is aſſeſſed, that then and in every ſuch caſe it ſhall and may be lawful to and for ſuch collector or collectors ſo appointed to receive the ſaid rates and aſſeſſments by warrant under the hand and ſeal of the mayor of Cork, or any other juſtice of the peace of the city of Cork, (which warrant the ſaid mayor and juſtices are hereby impowered to grant) by and with the aid and aſſiſtance of a conſtable of the ſaid pariſh, who is hereby required to be aiding and aſſiſting, to enter into any part of the premiſſes ſo aſſeſſed, and to diſtrain the goods and chattles of the occupiers thereof there found; and if the ſame ſhall not be replevied or the monies paid within ſix days after ſuch diſtreſs made together with the coſts of making ſuch diſtreſs, to be aſcertained by the mayor of Cork, then to appraiſe or ſell the ſame, or ſuch part thereof as ſhall be ſufficient to pay the money aſſeſſed on ſuch premiſſes, together with all coſts and charges attending the ſaid diſtreſs, returning the overplus, if any, to the owner or owners of ſuch goods or chattles;

On refuſal to pay 7 days after demand collectors by warrant of mayor or juſtice may with a conſtable diſtrain, &c. if no replevin in 6 days, appraiſe and ſell.

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and in any caſe any replevin ſhall be brought for the goods and chattles ſo diſtrained, the ſaid mayor of the city of Cork for the time being ſhall, and is hereby impowered and required to iſſue a ſummons in writing to all parties to hear and determine the matter in diſpute, whether the ſame ſhall depend upon a claim of property by a ſtranger or otherwiſe, in the moſt ſpeedy and ſummary way by examining parties and witneſſes upon oath, (which he is hereby impowered to do) and to award return of the goods ſo diſtrained or a ſale thereof for payment of the ſaid rates, unleſs ſuch diſtreſs be forthwith redeemed; and his determination ſhall be final and concluſive to all parties; and in caſe the ſaid mayor ſhall think it proper upon any ſuch diſputes to try any matter of fact by a jury, he ſhall adjourn the ſame to the next court of record to be held for the city of Cork, and at the deſire of the mayor the proper returning officer ſhall then impannel and return a jury to try ſuch iſſue, as the ſaid mayor ſhall direct; and upon return of their verdict he ſhall make ſuch further order, as he ſhall think fit."

on replevin mayor may iſſue a ſummons and finally determine, and have a jury if requiſite.

XXXI. "And be it enacted by the authority aforeſaid, That in caſe any ſuch collector ſhall die, before he ſhall have accounted, his executors or adminiſtrators ſhall be accountable to the reſpective church-wardens for all ſuch ſums, as the ſaid collectors ſhall have received; and the ſaid church-wardens ſhall recover the ſame by action of debt or otherwiſe in any court of record, or by civil bill before the next going judge of aſſize."

Executors of collectors liable to church-wardens by *Debt* or civil bill.

XXXII. "And be it enacted by the authority aforeſaid, That it ſhall and may be lawful for the ſaid mayor, ſheriffs, and common council, and they are hereby required, on or before the firſt day of July one thouſand ſeven hundred and ſixty four, and on or before the firſt day of June in every other year, to aſcertain the price of each lamp, and of lighting, ſnuffing, cleanſing, and ſupplying the ſame."

The price aſcertained on or before 1 June yearly by mayor, ſheriffs, and council.

XXXIII. "And be it further enacted by the authority aforeſaid, That the church-wardens for the time being in each reſpective pariſh of the ſaid city and ſuburbs of Cork by and with the conſent of the overſeers and applotters of ſuch pariſh, or the major part of them, for the time being ſhall and may yearly and every year between the firſt day of May and the firſt day of Auguſt, contract and agree with any perſon or perſons for the number of lamps neceſſary to be ſet up in the reſpective pariſhes, and for erecting and ſetting up the ſame, and for lighting, trimming, ſnuffing, cleanſing, ſupplying, maintaining, and repairing ſuch number of lamps, as the church-wardens and pariſhioners, or the major part of them, in

Church-wardens with overſeers and applotters yearly between 1ſt May and Auguſt may contract for the number and lighting, *&c.* the lamps, for one year, and ratified by mayor; no officer to have any intereſt in the contract.

in each pariſh-veſtry aſſembled in purſuance of this act ſhall from time to time deem requiſite for lighting their reſpective pariſhes, upon the beſt terms they can."

XXXIV. "Provided ſuch contract be made for the ſpace of one year, and no more at one time, and thereby no larger ſum ſhall be allowed for the annual lighting, cleanſing, ſnuffing, and repairing any lamp within any pariſh, than what ſhall be directed and appointed to be paid by the mayor, ſheriffs, and common council of the ſaid city as aforeſaid, and that all contracts for other materials and particulars ſhall be reduced to writing, and confirmed by the mayor of the ſaid city of Cork for the time being under his hand and ſubſcribed to ſuch contract, and declaring that he ratifies and confirms the ſame."

XXXV. "And provided alſo, That no church-wardens, overſeer, applotter, or other pariſh officer, during his and their continuing in ſuch office, or any perſon in truſt for him, them, or any of them, ſhall have any intereſt in any contract for lighting the ſaid reſpective pariſhes, or for providing, fixing, or repairing any of the ſaid lamps, or other materials neceſſary thereto."

Contractors on neglect ſummoned by church-wardens before mayor, and on proof forfeit to the pariſh out of their wages.

XXXVI. "And be it further enacted by the authority aforeſaid, That upon any complaint made to the church-wardens in their reſpective pariſhes of any neglect of duty in the ſeveral contractors with ſuch church-wardens, or in the perſon or perſons by them employed for the trimming, cleanſing, and lighting the ſaid lamps, that it ſhall and may be lawful for ſuch church-wardens, and they are hereby required, upon every ſuch complaint to cauſe the party accuſed to be ſummoned to appear at a time to be appointed in ſuch ſummons before the mayor of the city of Cork for the time being, who is hereby impowered and required to examine in a ſummary way witneſſes upon oath, or if of the people called Quakers upon their ſolemn affirmation, touching the matter of ſuch complaint; and if thereupon the matter complained of ſhall be proved to the ſatisfaction of the ſaid mayor, the contractor or contractors ſhall forfeit ſuch ſum or ſums of money, as to the ſaid mayor ſhall ſeem reaſonable and juſt, and the ſame ſhall be deducted for the benefit of the reſpective pariſhes out of the rates, prices, or wages contracted to be paid to ſuch contractors."

Breaking lamps, &c. on conviction 1ſt offence 40s. each lamp, 2d 50s. 3d 3l.

XXXVII. "And be it enacted by the authority aforeſaid, That if any perſon or perſons ſhall from henceforth wilfully or maliciouſly break, throw down, or extinguiſh any lamp or lamps, now or hereafter to be ſet up to light the ſtreets, lanes, paſſages, or quays of the ſaid city, or wilfully damage the poſts, iron, or other furniture of the ſame, it ſhall be lawful for any perſon or perſons to arreſt and detain ſuch offender or offenders,

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until he, ſhe, or they may be carried before the mayor or ſome other juſtice of peace of the ſaid city for the time being; and every perſon ſo offending and being thereof convicted by the oath of one or more witneſs or witneſſes, or by the confeſſion of the party accuſed before the mayor or any other juſtice of peace for the ſaid city, ſhall for the firſt offence forfeit the ſum of forty ſhillings for each lamp, and for the ſecond offence the ſum of fifty ſhillings for each lamp, and for the third offence the ſum of three pounds for each lamp, to be recovered and levied by diſtreſs and ſale of the offender's goods, and applied in ſuch manner as herein after is directed with reſpect to other pecuniary penalties inflicted by ſuch part of this act, as relate to the lighting of the ſaid city of Cork."

Offences determined in court of record by mayor and ſheriffs, or any 2, *quorum un:* the mayor (ſave as otherwiſe directed) on complaint in a month,

XXXVIII. "And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for the mayor and ſheriffs of the ſaid city of Cork or any two of them (of whom the mayor is to be one) in the court of record of the ſaid city to hear and determine of all offences, omiſſions, and refuſals, which are by any part of this act relating to the lamps to be erected in the ſaid city of Cork made puniſhable by any pecuniary penalties, (ſave ſuch as are otherwiſe directed by this act) upon any information exhibited or complaint made in that behalf within one month after offence committed; and to ſummon the party or parties accuſed and witneſſes on either ſide to attend at the next court of record to be held for the ſaid city; and if the party or parties accuſed ſhall be lawfully convicted to the ſatisfaction of the court of ſuch offence by the oath of one or more witneſs or witneſſes (which oath the ſaid court is hereby impowered and required to adminiſter) or on confeſſion of the party charged with ſuch offence, the ſaid court ſhall give ſuch judgment, ſentence, and determination thereon, as is conformable to the tenor and true meaning of this act; and the ſaid mayor ſhall thereupon iſſue a warrant or warrants for levying the penalties or forfeitures ſo adjudged on the goods and chattles of the offender, and to cauſe a ſale thereof to be made in caſe they ſhould not be redeemed in five days, rendering the party the overplus in caſe any there be made; and in caſe any perſon or perſons ſhall be convicted in the manner before preſcribed of breaking, throwing down, or extinguiſhing any lamp, that ſhall be erected in purſuance of this act, or by any private perſon within the ſaid city or ſuburbs, and no goods or chattles of the perſon ſo offending can at the time of ſuch conviction be found, then it ſhall be lawful for the ſaid mayor or juſtice hearing ſuch complaint to commit ſuch offender to the houſe of correction, there to be kept to hard labour for any time

and levy forfeitures on mayor's warrant, and ſale if not in 5 days redeemed.

Breakers of lamps, &c. on default of diſtreſs to houſe of correction not leſs than 1, nor above 6, months,

not leſs than one month, and not exceeding ſix months, until ſuch penalty or forfeiture ſhall be paid; and in caſe no goods or chattles of any of the other offender or offenders, who ſhall be convicted of any of the other offences, omiſſions, or refuſals made puniſhable by pecuniary penalties by any other part of this act relating to lamps, ſhall be found within twenty four hours after iſſuing ſuch warrant as aforeſaid, then it ſhall be lawful for the ſaid mayor and ſheriffs, or any two of them, to iſſue their warrant in nature of an execution to take the body of ſuch offender and commit him to the gaol of the ſaid city and county of the ſaid city of Cork, to be held in execution until ſuch penalty and forfeiture ſhall be ſatisfied and paid."

other offenders to gaol.

XXXIX. "Provided nevertheleſs, That if any perſon or perſons ſhall think him, her, or themſelves aggrieved in the judgment of the ſaid court of record, or of the mayor of Cork or other juſtice of peace, that ſuch perſon or perſons may appeal to the juſtices of the peace at the next general or quarter ſeſſions to be held for the ſaid city of Cork, and ſhall and may be diſcharged out of cuſtody upon giving ſufficient bail to appear at ſaid ſeſſions; and the juſtices of peace at ſuch ſeſſions are hereby impowered on either ſide to ſummon and examine witneſſes upon oath, and finally to hear and determine the merits of ſuch appeal, and make ſuch order therein, as ſhall be agreeable to the proviſion and meaning of this act, and to the nature and circumſtance of the caſe; and in caſe of conviction to iſſue a warrant or warrants for levying the penalties or forfeitures, and for the committing the offender or offenders as aforeſaid."

Appeal to next ſeſſions,

and diſcharged on bail,

finally determined at ſeſſions.

XL. "And be it further enacted by the authority aforeſaid, That all the pecuniary penalties and forfeitures, which ſhall be inflicted and levied by ſuch part of this act, as relate to the lamps to be erected in the ſaid city of Cork, ſhall be paid and applied in manner following; that is to ſay, one moiety thereof to the perſon or perſons who ſhall inform and proſecute for the ſame, and the other moiety to the church-wardens of the pariſh where ſuch offence ſhall be committed, to be by them accounted for and applied as part of the fund for providing and maintaining the lights in the ſaid pariſh, ſave and except the ſaid penalties for neglect or breach of duty of contractors, which ſhall be wholly applied for the benefit of the reſpective pariſhes aforeſaid."

All forfeitures as to lamps to informer, and church-wardens as part of the fund,

ſave as to contractors wholly to reſpective pariſhes.

XLI. "And be it further enacted by the authority aforeſaid, That in caſe the valuation, intended to be made in purſuance of this act, of any pariſh or pariſhes within the city or ſuburbs of the ſaid city of Cork ſhall be prevented by the default of the miniſters, church-wardens, inhabitants, or valua-

On default of valuation the mayor by warrant may appoint 5 or more,

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tors of ſuch reſpective pariſhes, or delayed beyond the utmoſt time herein before limited for that purpoſe, that in every ſuch caſe it ſhall and may be lawful at any time hereafter for the mayor of Cork for the time being by warrant under his hand and ſeal to appoint five or more ſkilful and diſcreet perſons of the ſame or any other pariſh within the ſaid city or ſuburbs to make and return ſuch valuation of ſuch pariſh or pariſhes ſo omitted, in ſuch manner as is before directed with reſpect to the original valuations; and after ſuch valuation ſhall be ſo made, as is laſt directed, the mayor of Cork ſhall and may confirm the ſame under his hand and ſeal, or order a new valuation of ſuch pariſh, which he may in like manner confirm or reject; and when ſuch valuation ſhall be confirmed, the ſame ſhall be regiſtered in the ſaid book, to be kept by the town clerk of the city of Cork for that purpoſe; and after ſuch valuation ſhall be ſo regiſtered, applotters, overſeers, and collectors of lamp-money ſhall and may be choſen, named, and appointed, and lamp-money ſhall be rated and collected in ſuch reſpective pariſhes, from time to time in like manner to all intents and purpoſes, as if ſuch pariſh or pariſhes had been originally valued and rated with lamp-money in the ſaid year one thouſand ſeven hundred and ſixty four in purſuance of this act."

and may confirm or reject, and regiſter as aforeſaid.

XLII. "And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall ſteal or forceably carry away any of the ſaid lamps, iron, poſts, or furniture thereof, ſuch perſon or perſons being lawfully convicted thereof ſhall be adjudged guilty of felony, and being convicted of ſuch offence ſhall be tranſported to one of his Majeſty's plantations in America for ſeven years, or ſhall be publickly whipt at the diſcretion of the judge, who ſhall paſs judgment on ſuch offender."

Stealing or taking away lamps, &c. tranſported 7 years or whipt.

XLIII. "And be it enacted by the authority aforeſaid, That all pariſhioners ſhall and may have free acceſs at all convenient times to the reſpective books of valuation and aſſeſſments of the ſaid reſpective pariſhes in the hands of the town clerk of the ſaid city of Cork and the church-wardens of the ſaid pariſhes reſpectively, and to take copies thereof at their own expence."

Acceſs to books of valuation and aſſeſſment, and to take copies.

XLIV. "And be it further enacted by the authority aforeſaid, That as often as any new houſes, tenements, out-houſes, cellars, ware-houſes, ſtore-houſes, or ſtore-yards ſhall be from time to time hereafter built, erected, or eſtabliſhed within the ſaid city of Cork, or the ſuburbs thereof within the extent of the lights or the lamps to be erected at any time hereafter in purſuance of this act, every ſuch new built, erected, or eſtabliſhed houſe, tenement, out-houſe, cellar, ware-houſe, ſtore-houſe, and ſtore-yard, with their and every of their appurtenances ſhall and may

New houſes valued and returned each year by applotters.

be valued each year by the overſeers and applotters of lamp-money to be appointed in the reſpective pariſhes by virtue of this act, who ſhall return ſuch new valuations every year to the reſpective church-wardens in writing under their hands, or under the hands of the major part of them, with an affidavit, or affirmation if made by one of the people called Quakers, at the foot thereof, (which they are hereby impowered to take) that the ſame is a juſt and impartial valuation to the beſt of their ſkill and judgment; and ſuch applotters ſhall give notice of ſuch valuation to the reſpective owners or occupiers of ſuch new built or erected houſes and premiſſes; and the owners and occupiers thereof ſhall have the ſame right of appeal and upon the ſame terms, as are herein before appointed in caſes of original valuations by the ſeveral valuators to be appointed in virtue of this act; and after ſuch new valuation ſhall be eſtabliſhed in ſuch manner, as herein before is directed, the reſpective church-wardens ſhall return the ſame to the town clerk of the ſaid city of Cork, who ſhall make a due entry thereof, and add the ſame to the original valuations of the reſpective pariſh in a book or regiſtry herein before appointed to be kept for that purpoſe; and that every houſe, tenement, out-houſe, cellar, ware-houſe, ſtore-houſe, and ſtore-yard, ſo hereby valued, returned, and eſtabliſhed, ſhall in all applotments and aſſeſſments to be afterwards made and returned in purſuance of this act be rated and charged and chargeable according to ſuch valuation thereof; and the occupier thereof ſhall pay, or on refuſal or omiſſion ſhall be compelled to pay, the ſum ſo charged and rated therein in the ſame manner, as the occupiers of other houſes and concerns originally valued are according to the directions of this act compellable to pay the ſame; and if by increaſe of ſuch new built houſes or other premiſſes it ſhall be found convenient to erect a greater number of lamps, and extend the ſame further in any pariſh, in every ſuch caſe it ſhall be lawful for the reſpective veſtries hereafter to be aſſembled in purſuance of this act to make orders for that purpoſe, and the ſame ſhall be purſued and carried into execution in the ſame manner as if ſuch lamps were originally ordered to be erected at the reſpective veſtries to be aſſembled on the firſt day of May one thouſand ſeven hundred and ſixty five."

and notice to the owners,

ſame right of appeal,

returned by church-wardens to town-clerk, and added to original valuations,

rated and charged accordingly, as occupiers of other houſes.

The number of lamps may in veſtry be further extended in any pariſh.

XLV. " And whereas the mayor and common council of the ſaid city of Cork have for the immediate lighting of the ſaid city agreed forthwith out of the common funds of the city to erect lamps, and to light the ſame purſuant to the true meaning of this act: now to the end that the ſaid mayor and common council be repaid ſuch ſums of money, as they ſhall ſo

Church-wardens may firſt refund to the mayor and council rateably.

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immediately or hereafter expend for the aforeſaid purpoſe, be it enacted by the authority aforeſaid, That the ſeveral churchwardens of the ſaid reſpective pariſhes ſhall out of the rates and aſſeſſments to be received under this act in the firſt place pay and refund to the mayor and common council rateably and proportionably to the aſſeſſments to be made on the ſaid reſpective pariſhes at and in purſuance of the orders to be made at the ſeveral veſtries, to be held on the firſt day of May one thouſand ſeven hundred and ſixty four, and after the valuations and applotments ſhall be made in purſuance of ſuch orders, ſuch ſum and ſums of money, as the ſaid mayor and common council ſhall ſo lay out and expend for and towards the immediate lighting of ſaid city."

To prevent combinations of artificers, &c.

XLVIII. And whereas notwithſtanding the ſeveral acts of Parliament made in this kingdom to prevent unlawful aſſemblies and combinations of artificers, journeymen, apprentices, labourers, and manufacturers, ſuch combinations and unlawful aſſemblies have of late greatly increaſed in the ſaid city of Cork and liberties thereof: and whereas it has been found very difficult to detect and convict ſuch offenders, by reaſon that ſuch unlawful aſſemblies are generally held ſecretly and in private places in the houſes and preſence of perſons, whoſe teſtimony cannot be had, as the law ſtands, they themſelves being guilty or party in ſuch offences: be it enacted by the authority aforeſaid, that from and after the firſt day of May one thouſand ſeven hundred and ſixty four it ſhall and may be lawful to and for the mayor or any other juſtice of the peace of the city of Cork upon examinations upon oath being given, or affidavit made before them, or any of them, of any ſuch combination or unlawful aſſembly, to ſummon all or any of the perſons accuſed or ſuſpected, and to adminiſter an oath to ſuch of the perſons ſo ſummoned, as he in his diſcretion ſhall think fit; which oath the ſaid mayor and the other magiſtrates are hereby impowered to adminiſter; and every ſuch perſon ſhall ſwear to anſwer all ſuch queſtions, as ſhall be demanded of him touching ſuch combinations or unlawful aſſemblies, and ſhall anſwer all ſuch queſtions, and ſhall diſcover the names and places of abode, to the beſt of his, her, or their knowledge and belief of the ſeveral perſons, who have acted or been concerned in any ſuch combinations or unlawful aſſemblies, and ſhall not by any plea or demurrer cover or conceal the ſame; and ſuch examinations ſhall be reduced into writing and ſigned by the mayor or other magiſtrate, before whom the ſame are taken, and by the party or parties ſo examined, and ſhall be returned to the next quarter ſeſſions or aſſizes; and ſuch perſons ſo examined ſhall be bound

on examination or oath of combination or unlawful aſſembly mayor or a juſtice may ſummon and adminiſter an oath,

accuſed obliged to anſwer and diſcover,

examination returned to next ſeſſions or aſſiſes,

by

by recognizance in a ſum not exceeding twenty pounds to appear at the next quarter ſeſſions or aſſizes in the uſual manner at the election of the mayor or other magiſtrate, before whom ſuch examination ſhall be given, and to proſecute the perſon or perſons charged by them with being concerned in ſuch unlawful combinations or aſſemblies; and in caſe any ſuch perſon or perſons ſo ſummoned ſhall neglect or refuſe to appear before ſuch magiſtrate, or to take ſuch oaths as aforeſaid, or give his, her, or their teſtimony, and be examined in manner aforeſaid, or to ſign ſuch examinations, the ſaid mayor or other magiſtrate ſhall iſſue one or more warrant or warrants, and cauſe ſuch perſon or perſons to be impriſoned in the city gaol for three months, or ſent to bridewell or the houſe of correction, there to be kept at hard labour for one month; and in caſe ſuch perſon ſo examined ſhall neglect or refuſe to give their teſtimony at the ſeſſions or aſſizes, where they ſhall be bound to appear, in every ſuch caſe the judge of aſſizes at the aſſizes, and juſtices of the peace of the county of the city of Cork in their quarter ſeſſions, ſhall reſpectively forthwith upon ſuch default or refuſal iſſue his or their warrant or warrants to apprehend and detain in execution in the city gaol of Cork the body or bodies of the perſon or perſons making ſuch default, or refuſing to give teſtimony as aforeſaid, until he, ſhe, or they ſhall pay and ſatisfy the penalty of their reſpective recognizance, to be applied and paid over to the governors of the work-houſe of the ſaid city.

and recogniſance not above 20*l.* to appear and proſecute, on neglect or refuſal impriſoned three months, or Bridewell one month,

on default of teſtimony kept in goal till recogniſance ſatisfied.

to the work-houſe.

XLVII. Provided always, That every perſon or perſons, who ſhall be ſummoned or examined as aforeſaid, and ſhall afterwards appear on their reſpective recognizance and give teſtimony at the aſſizes or quarter ſeſſions as aforeſaid, if required by the court or proſecutor ſo to do, ſhall be acquitted and diſcharged from all further proſecution and from any puniſhment, forfeiture, or penalty, which he, ſhe, or they hath or have incurred for or by reaſon of any offence, matter, or thing, diſcovered in their reſpective examinations or teſtimony; and that every ſuch perſon ſo examined and bound over may and ſhall, if required by the court or proſecutor, be examined as a witneſs or witneſſes againſt all other perſons concerned in or charged with any ſuch unlawful combinations or aſſemblies as aforeſaid, any law or uſage to the contrary notwithſtanding.

Appearing and giving teſtimony diſcharged from any forfeiture.

may be examined againſt all others charged.

XLVIII. Provided alſo, That if any perſon or perſons, who ſhall be ſummoned and examined as aforeſaid concerning the diſcovery of any ſuch unlawful combination or aſſembly, ſhall in any ſuch examination, as ſhall be taken in purſuance of this act, or in their teſtimony upon the tryal of any perſon or perſons for or concerning any ſuch unlawful combinations or aſſembly, commit

Perjury puniſhed as by 28 *Eliz.* 1.

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commit any manner of wilful or corrupt perjury, that every ſuch offender or offenders, being thereof lawfully indicted and convicted, ſhall loſe and forfeit ſuch ſum and ſums of money, and further ſhall be proceeded againſt, impriſoned, and ſtand upon the pillory, and be ſubject to ſuch other puniſhments and diſabilities, as in and by a ſtatute made in this kingdom, in the reign of Queen Elizabeth is enacted and ordained.

Streets and highways in Cork,

XLIX. And whereas ſeveral of the highways, ſtreets, and paved ways in the city and county of the city of Cork require frequent repairing, and ſeveral by-ways therein are, and time out of mind have been, of leſs breadth than hereafter mentioned, and do notwithſtanding for the eaſe of the publick require to be kept in repair: and whereas no money can be granted by preſentment for repairing the ſame by reaſon of their not being of the breadth required by the ſtatute now in force for repairing highways; be it enacted by the authority aforeſaid, That from henceforth it ſhall not be neceſſary in the affidavit or preſentment for repairing any road or highway in the city and county of the city of Cork to ſet forth, that ſuch highways or roads are to be of the breadth of twenty one feet between incloſure and incloſure, or to be made fourteen feet wide, but inſtead thereof that it ſhall be ſufficient, the ſaid affidavit and preſentments ſet forth the true breadth of the ſame between incloſure and incloſure, and how much thereof it will be neceſſary to repair.

ſufficient to ſet forth the true breadth in affidavit or preſentment for repair, and how much neceſſary to repair.

Mayor and ſheriffs of Cork may remove all encroachments or nuiſances in ſtreets or lanes by order in writing to tenants and occupiers, on refuſal 21 days after, and levy charges,

L. And for the more effectually keeping the ſaid ſtreets and ways from encroachments and nuiſances, be it enacted by the authority aforeſaid, That from and after the firſt day of May one thouſand ſeven hundred and ſixty four it ſhall be lawful for the ſaid mayor and ſheriffs of the city of Cork to remove all incroachments or nuiſances in making doors or ſtairs of cellars projecting into the ſtreets or lanes by delivering an order in writing to the reſpective tenants and occupiers of the reſpective houſes and cellars, ſetting forth and directing in what manner all ſuch doors, ſtairs, and paſſages, that are incroachments or nuiſances in ſuch ſtreets or lanes, ſhall be altered, or in what manner ſet back, or to remove all incroachments or nuiſances of ſhop-windows, window-ſhutters, frames, ſtandings, or other things in or upon ſuch ſtreets or lanes; and in caſe the chief tenant of ſuch cellars and the owners of ſuch houſes, ſhops, and cellars, ſhall refuſe or neglect to comply with ſuch directions of the mayor and ſheriffs, or refuſe to remove or cauſe to be removed all ſuch encroachments and nuiſances for the ſpace of twenty one days after ſuch order as aforeſaid, in ſuch caſe it ſhall be then lawful for the mayor and ſheriffs of the ſaid city to employ workmen, and alter, and remove, and take away the ſame, and

to

to compel the ſaid tenants or owners to pay all the charges thereof by diſtreſs and ſale of their goods, to be levied by warrant under the hand and ſale of the ſaid mayor.

Appeal to next ſeſſions.

LI. Provided, That if any perſon ſhall apprehend themſelves aggrieved by any ſuch order and direction as aforeſaid, they may appeal to the juſtices of the peace in their next ſeſſions to be held for the ſaid city, who are hereby impowered and required to hear and finally determine the ſame; and their determination ſhall be final and concluſive to all parties, and in the mean time all other proceedings upon ſuch order ſo appealed from ſhall ceaſe.

Any one may take away dung or rubbiſh in highways within the city or ſuburbs, or within 15 feet of the centre of highways out of the ſuburbs and within the county of the city,

penalty 5s. on perſons obſtructing, or on throwing filth before houſes or walls,

LII. And be it further enacted by the authority aforeſaid, That it ſhall be lawful for any perſon or perſons to take and carry away any dung, muck, mooring, or other manure, rubbiſh, or filling, they ſhall find laid in any highway, ſtreet, or lane within the city or ſuburbs thereof, or within fifteen feet of the center of any road or highways out of the ſaid city and ſuburbs and within the county of the ſaid city, and the ſame to apply to their own uſe; and in caſe any perſon ſhall obſtruct or hinder the taking the ſame, or in caſe any perſon ſhall throw or lay, or ſhall cauſe or ſuffer to be thrown or laid, any coal aſhes, duſt, dirt, rubbiſh, dung, or other filth in any open ſtreet, lane, or paſſage, or alley within the ſaid city or ſuburbs thereof before the reſpective houſes, buildings, or walls, or before the walls of publick buildings, all ſuch perſons ſo offending ſhall upon conviction before the mayor or any other magiſtrate of the ſaid city by confeſſion of the party or the oath of one credible witneſs forfeit the ſum of five ſhillings, to be raiſed by ſale of the offenders goods, and to go, one moiety thereof to the perſon who ſues or proſecutes, and the other to the poor of the pariſh; and the perſon ſo offending, if unable to pay the ſaid fine, ſhall be committed to priſon for a ſpace not exceeding one week.

to the poor and proſecutor,

if unable to pay, impriſoned 1 week.

Except on repairing or building, ſo as removed in 48 hours.

LIII. Provided, That nothing herein contained ſhall extend to perſons, who in repairing or building any houſe or other building ſhall throw out any dirt or rubbiſh; ſo as ſuch perſons, in forty eight hours after ſuch dirt and rubbiſh ſhall be thrown into the ſaid ſtreets, paſſages, or lanes, ſhall cauſe the ſame to be carried away.

Scavengers appointed by mayor and council, at a ſalary not above 5l. each, by preſentment at aſſizes.

LIV. And for the more effectual cleanſing the ſtreets, lanes alleys, paſſages, and quays within the ſaid city and ſuburbs be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the mayor and common council of the ſaid city from time to time to appoint two or more fit perſons to be ſcavingers for the ſaid city and liberties to cleanſe and ſweep the ſtreets, lanes, alleys, paſſages, and quays thereof, and to carry

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and take away all dirt and other filth from the ſame, under ſuch clauſes, reſtrictions, penalties, powers, and orders, or otherwiſe, as to the ſaid mayor and common council or the majority of them in council aſſembled ſhall ſeem meet and expedient; and that the grand jury at each aſſizes to be held for the county of the ſaid city ſhall and may preſent any ſum not exceeding five pounds for the ſallary of each of ſuch ſcavingers.

Drivers of cars or drays riding thereon without a guide, or ſo as to endanger paſſengers, may on view be brought before a magiſtrate, and pay 5s. to poor and proſecutor, or ſent to houſe of correction not above 5 days or whipt.

LV. And be it further enacted by the authority aforeſaid, That if any perſon driving any car, dray, or cart, through any of the ſtreets, highways, paſſages, or lanes in the ſaid city of Cork or ſuburbs thereof, ſhall ride upon ſuch cart, dray, or car, not having ſome perſon on foot to guide the ſame, or ſhall drive or lead the ſame in ſuch manner as to endanger the lives or limbs of the paſſengers, it ſhall be lawful to and for any perſon or perſons on view of any driver or drivers, leader or leaders, of any car or cars, dray, or cart, offending herein to ſeize upon ſuch driver and car, dray, or cart, and to carry ſuch driver and car, dray, or cart, before the mayor or any other juſtice of the peace of the ſaid city of Cork; and that every ſuch offender, being thereof convicted before ſaid mayor or other juſtice of the peace of the ſaid city by confeſſion or the oath of one credible witneſs, ſhall for every ſuch offence forfeit five ſhillings to be levied by diſtreſs and ſale of the ſaid cart, dray, or car, if belonging to the offender, or of any other goods belonging to him, by warrant under the hand and ſeal of the ſaid mayor or other juſtice, which they are hereby required reſpectively to grant, one moiety to the perſon who ſhall ſue and proſecute for the ſame, and the other moiety to the poor of the pariſh, or the perſon ſo offending ſhall be ſent to the houſe of correction, there to be kept to hard labour for any time not exceeding five days or be publickly whipt through the main ſtreet of the ſaid city at the diſcretion of the ſaid mayor or other juſtice, if the perſon ſo offending ſhall not pay the ſaid fine within two hours, after he is arreſted for the ſaid offence.

Court of conſcience in Cork for debts under 40s. confirmed,

LVI. And whereas the court of conſcience, held before the mayor of the ſaid city and before each of the aldermen of the ward of the ſaid city for determining cauſes in all ſmall debts between party and party under the value of forty ſhillings, has been of great uſe: be it enacted by the authority aforeſaid, that the juriſdiction thereof be eſtabliſhed, ratified, and confirmed.

For debts not exceeding 20s. 3 months confinement only,

LVII. Provided always, That no perſon ſhall be longer confined by virtue of any warrants or commitment by the ſaid mayor or aldermen of the ward under ſuch authority or juriſdiction of the ſaid court of conſcience for any debts, not exceeding in the

whole twenty ſhillings, than three kalendar months, to be computed from the firſt day of ſuch commitment; and that no perſon ſhall be longer confined by the authority aforeſaid for any debts exceeding twenty ſhillings, and under forty ſhillings, than the term of ſix kalendar months, to be computed as above; and that from and after the reſpective determinations of ſuch confinements, the debt or debts, for which ſuch perſon or perſons ſhall have been ſo confined, ſhall be totally diſcharged to all intents and purpoſes, as if ſuch debtor or debtors had actually paid the ſame.

above 20s. and under 40s. 6 months.

LVIII. And whereas by an act of Parliament paſſed in this kingdom in the ninth year of his late Majeſty King George the ſecond, intituled, *An act for rebuilding the cathedral church of ſaint Finbary in the city of Cork, and for erecting a workhouſe in the city of Cork, and for employing and maintaining the poor, puniſhing of vagabonds, and for providing for and educating foundling children*, it was therein enacted among other things, that for all ſorts of coal and culm, which from and after the ſaid firſt day of May one thouſand ſeven hundred and thirty ſix ſhall be imported, landed, or diſcharged within the ſaid city of Cork, or county of the ſaid city, there ſhall be paid during the term of thirty one years, by way of impoſition thereon, over and beſide all other impoſitions and duties payable thereon the additional rate or duty of one ſhilling *per* ton, which ſaid impoſition or duty ſhall be anſwered or paid to the governors of the work-houſe of the ſaid city of Cork aforeſaid, or to their deputy or deputies, officer or officers, thereunto conſtituted and appointed, by every maſter, owner or owners, or other perſon or perſons taking charge of any ſhip or veſſel, whereupon ſuch coals or culm ſhall be laden, before they ſhall break bulk, or deliver out any coals or culm: and whereas the funds for ſupporting the ſaid work-houſe are ſcarce ſufficient for that purpoſe, and the duties payable under and by virtue of the ſaid recited clauſe, are one of the principal ſupports thereof: be it enacted by the authority aforeſaid, that the ſaid recited clauſe, and the duties payable under and by virtue of the ſame, ſhall be continued, and be and remain in full force, for the uſe and benefit of the ſaid work-houſe from the ſaid firſt day of May which will be in the year one thouſand ſeven hundred and ſixty ſeven, for and during the further term of thirty one years from thence forth fully to be compleat and ended, at, and under, ſubject to the ſeveral powers, and in manner, as in the ſaid recited clauſe is ſet forth.

9 *G.* 2. 25. ſ. 5. and the duties under it for the work-houſe in Cork continued 31 years from 1 May 1767.

LIX. And whereas it is of the utmoſt conſequence to the city of Cork, and will conduce to preſerve the lives of many of the

Mayor and council may order parapet

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the inhabitants thereof and of others reſorting thereto, that a parapet wall or rails be built or erected on the ſeveral quays, and on the edges of the ſeveral dykes and canals therein, and in the ſuburbs thereof, as great numbers of perſons have loſt their lives by falling over the ſaid quays, and horſes and carriages have fallen into the ſaid dykes and canals: be it enacted by the authority aforeſaid, that it ſhall and may be lawful to and for the mayor and council of the ſaid city of Cork, to order and direct the building of parapet walls of the height of four feet, and breadth not exceeding two feet, on the ſeveral quays, and on the edges of the ſeveral dykes and canals of the ſaid city and ſuburbs, leaving proper openings convenient for the ſhipping and landing goods and merchandize, by giving notice in writing to the chief tenants, inhabiting or dwelling in the ſeveral houſes, or occupying the cellars and other buildings on the ſaid quays and dykes, or, in caſe the ſaid houſes be waſte, or any part of the ground fronting the ſaid quays, canals, or dykes be unbuilt, to the owner, or other perſon intereſted therein, before whoſe tenements or ground ſuch parapet wall is to be built; and upon ſuch notice, every chief tenant inhabiting or dwelling in every ſuch houſe, or occupying ſuch cellars or other buildings, and the owners, or other perſons intereſted in ſuch waſte houſes or ground unbuilt, ſhall within two months after ſuch notice given, build a parapet wall of the dimenſions aforeſaid, with ſtone or brick, and lime, and ſand, along the edge of the ſaid quays or dykes, fronting his or their reſpective houſes and concerns, and, if the ſame are ſituate on the corners of any of the ſaid quays, round ſuch corners as far as their reſpective houſes, cellars, buildings, or waſte ground extend and run, and to no further extent, leaving ſuch openings as aforeſaid, if neceſſary; and that every ſuch tenant and occupier of ſuch houſe, cellar, or other building, or owner, or other perſon intereſted in any ſuch waſte houſe or ground unbuilt, before whoſe premiſſes any ſuch opening ſhall be left, ſhall always except in times of ſhipping or landing goods there, keep ſuch opening guarded by two wooden rails or iron bars to extend acroſs ſuch opening in the ſaid parapet wall on each ſide.

walls to be built on quays, dykes, and canals, 4 feet high, not above 2 broad, with openings for merchandiſe, by notice in writing to inhabitants or owners if waſte.

built in 2 months after notice;

the openings guarded by bars or rails.

LX. Provided always, That if any of the ſaid inhabitants, owners, or occupiers of houſes, or other premiſſes, ſhall think fit to erect and fix iron rails on the edges of the ſaid quays before their houſes or tenements of the height of four feet, that it ſhall be lawful and ſufficient for them ſo to do; and in caſe any chief tenant or occupier of any ſuch houſe, cellar, or other building, or the owner or other perſon intereſted in any ſuch waſte houſe or plot of ground unbuilt, ſhall neglect or refuſe by the ſpace of two

Iron rails may be erected on the edges of the quays inſtead thereof;

two months after notice given in writing to build such parapet wall in manner herein before directed, or to erect and fix such rails as aforesaid, instead thereof, every such person shall forfeit twenty shillings for every space of twenty one feet of such wall, that shall be so omitted to be built, and the like sum for every month afterwards that the same shall be so omitted, and so in proportion for any other less space of time, or of ground; such penalty to be recovered before the mayor of the said city, by the oath of one or more witness or witnesses, or by the confession of the party; and upon conviction, to be levied by distress and sale of the offenders goods, or of the goods of any person found in or upon the houses, cellars, buildings, or ground, before which such walls shall be so neglected to be built, by warrant under the hand and seal of the said mayor (which warrant he is hereby impowered to grant) and to be to the use of the poor of the parish in which the said offence shall be committed; and over and above the said penalty, it shall and may be lawful to and for the said mayor to provide materials, and employ and set masons to work, to build and finish such parapet wall as aforesaid, and thereupn shall compel the chief tenant in such houses, and the occupiers of such cellars, or other builings, and the owner or other person interested in such waste house or ground unbuilt respectively, to pay the reasonable price for building such parapet wall, and the materials thereof, by issuing his warrant for levying the same by distress, and causing so much of the offenders goods, or the goods of any person found in or upon the houses, cellars, other buildings, or ground, before which such walls shall be so neglected to be raised, to be sold, as will pay for the same; and if any person, before whose premisses any such opening shall be left, shall neglect or refuse to keep the same guarded with two wooden rails as aforesaid, except at time of shipping or landing goods there, every person so offending, shall for every such offence, forfeit the sum of five shillings, to be recovered and applied in manner aforesaid.

penalty 20s. every 21 feet, and so *per* month, and so in proportion,

to the poor of the parish,

and on default the mayor to build, and compel payment.

5s. penalty not guarding the opening.

LXI. Provided always, and be it enacted by the authority aforesaid, That if any such chief tenant inhabiting or occupying any such house, cellar, or other buildings, or interested in such waste ground as aforesaid, be only a tenant at will, or a yearly tenant of the same, or if no more than two years of his lease or interest be unexpired, that in every such case such tenants at will, or yearly tenant, or tenant for two years, shall and may retain in his or her hands, out of the rent then due or to be afterwards due from him to his next immediate landlord, so much of such rent, as will be sufficient to reimburse him the money expended on his part of the said parapet wall; and that in case the person

Tenant at will or yearly or having only 2 years to come, may retain his part out of his rent;

or perſons, who ſhall build any ſuch parapet wall, at the time the ſame ſhall be compleated, ſhall have in the houſe, houſes, or other premiſſes or belonging to which ſuch wall ſhall be built, an intereſt exceeding two years and not leſs than five years, that in ſuch caſe ſuch perſon or perſons ſhall and may retain three fourths of the expence of raiſing ſuch wall; and in caſe of an intereſt, not exceeding five years, and not leſs than ten years, or one life, that ſuch perſon or perſons may retain one half of the expence, and in caſe of an intereſt exceeding ten years, and not leſs than fourteen years, or two lives, that ſuch perſon or perſons may retain one fourth of the expence from the next immediate landlord; and every immediate landlord, from whom there ſhall be any ſuch retainer, and all other landlords, ſhall and may reſpectively retain from their next immediate landlord or landlords in ſuch proportions as aforeſaid, relation being had to the duration of their ſeveral and reſpective intereſts at the time of ſuch wall being finiſhed and compleated; and that every perſon or perſons, intitled to make any ſuch retainer in virtue of this act, ſhall and may plead ſuch retainer in bar for ſo much to any action or other remedy, brought by his ſaid landlord againſt him for the recovery of rent, or otherwiſe avail himſelf thereof, as if he had actually paid the ſame in money; and if any perſon or perſons ſhall break or pull down the ſaid parapet wall or any part thereof, or pull any ſtone or ſtones out of the ſame, every perſon ſo offending, ſhall for every ſuch offence forfeit the ſum of five ſhillings, to be levied and applied as aforeſaid; and if no goods of the offender can be found, he, ſhe, or they ſhall be ſent to the houſe of correction, there to be kept at hard labour by the ſpace of three days; and if any perſon or perſons ſhall in the night time ſteal and carry away, or otherwiſe deſtroy or pull from its fixture any iron rails, that ſhall be fixed on any of the ſaid quays, or any wooden rail or rails, or iron bar or bars, to be fixed in the openings to be left in the ſaid wall, or any lock or irons for faſtening ſtick, or rails, every perſon ſo offending, ſhall upon conviction, be adjudged guilty of felony, and ſhall either be tranſported for ſeven years, or burned in the hand, or publickly whipt, at the diſcretion of the judge who ſhall try ſuch offender.

above 2 years, and not leſs than 5, may retain 3-4ths, not exceeding 5, nor leſs than 10, or one life, 1 half; exceeding 10, and not leſs than 14, or 2 lives, 1 4th;

landlords may retain from their next immediate landlords according to their reſpective intereſts;

liberty to plead ſuch retainder in bar:

5s. penalty breaking or pulling down ſuch parapet,

or to houſe of correction 3 days:

ſtealing or deſtroying rails, bars, &c. tranſportation, or burnt in the hand, or whipt,

Bread.

LXII. And whereas great abuſes are daily practiſed and committed by the bakers of the ſaid city of Cork in baking bread for ſale, for want of proper encouragement and ſufficient allowance being made to the bakers of the ſaid city: and in regard the quarter of wheat, when baked into houſehold bread, is found not to produce as many loaves of the weight mentioned in the table of aſſize, as will make up the middle price of corn and

the allowance intended for bakers: for remedy whereof be it enacted by the authority aforeſaid, That from and after the firſt day of May one thouſand ſeven hundred and ſixty four the mayor of the ſaid city of Cork be and is hereby directed to give the bakers in the ſaid city and liberties thereof an allowance of nine ſhillings on each quarter of corn for houſehold bread by adding the ſame to the middle price of wheat, to be calculated as is directed herein and by an act of Parliament paſſed in the eleventh year of the reign of his late Majeſty King George the ſecond, intituled, *An act for buying and ſelling all ſorts of corn and meal and other things therein mentioned by weight, and for the more effectual preventing the frauds committed in the buying and ſelling thereof, and for regulating the price and aſſize of bread, and for better regulating the markets*, is directed, and to be ſet according to the table therein mentioned, and to give an allowance of eight ſhillings only on the quarter of white and wheaten bread to be baked in the ſaid city of Cork and the liberties thereof by adding the ſame to the middle price of wheat, and to be ſet according to the table in the ſaid act mentioned.

allowance to bakers 9s. *per* quarter houſehold bread by adding to middle price of wheat as by this act and 11 *G.* 2. 11. 8s. *per* quarter white and wheaten.

LXIII. And be it further enacted by the authority aforeſaid, That the mayor and common council of the ſaid city of Cork for the time being ſhall, as often as they judge neceſſary during the continuance of this act, make any further reaſonable allowance to the bakers within the ſaid city and liberties of the city of Cork, as in their diſcretions they ſhall think fit, on every quarter of wheat made and baked in the ſaid city into houſhold bread, in ſuch manner as the former allowances, or to make any further allowance as the mayor of Cork as chief magiſtrate of that city might have made before this act.

Further allowance to bakers as by the mayor and common council.

LXIV. And be it further enacted by the authority aforeſaid, That in all caſes where any replevin ſhall be brought for any goods or chattles taken for levying any of the penalties, forfeitures, taxes, rates, or ſums of money by this act directed to be levied or paid, that in every ſuch caſe the mayor of the city of Cork for the time being ſhall and may at the deſire of any of the parties iſſue a ſummons to the ſeveral parties plaintiffs and defendants in ſuch replevin, or who ſhall otherwiſe appear to him to be intereſted therein, and ſhall and may thereupon proceed in a ſummary way to hear and determine the merits thereof; and in caſe of difficulty may adjourn the ſame to the next meeting of the court of record of ſaid city, and order a jury to be impannelled for the tryal of any matter or matters of fact, if he ſhall think fit; and upon the return of ſuch verdict or otherwiſe ſhall and may make ſuch final order, as he ſhall think juſt and reaſonable, which ſhall be concluſive to all parties; and the

On replevin mayor may determine ſummarily, or adjourn, or impannel a jury.

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ſheriffs of the city of Cork, and every other officer bound to make return to ſuch replevin, ſhall and may return, that the goods and chattels therein mentioned were taken in the county of the city of Cork in purſuance of an act of Parliament made in the fourth year of his preſent Majeſty for regulation of ſaid city, and that the mayor of Cork hath aſſumed the determination thereof; and ſuch return ſhall be allowed as a ſufficient return and juſtification, if true, to the ſheriffs or other officer, who ſhall make the ſame.

a return thereon purſuant to this act allowed ſufficient.

LXV. And be it further enacted by the authority aforeſaid, That this act ſhall in all courts or places be deemed to be a publick act, and ſhall be judicially taken notice of by all judges, juſtices, and courts whatſoever without ſpecially pleading the ſame; and if any perſon ſhall be ſued or moleſted for any thing done by virtue or in purſuance of this act, ſuch perſon may plead the general iſſue, and give this act and the ſpecial matter in evidence for his defence; and if the plaintiffs ſhall diſcontinue their action, or be nonſuit, or if judgment ſhall be given againſt them on verdict or demurrer, the defendant ſhall recover double coſts of ſuit.

A publick act,

general iſſue,

double coſts to defendant on nonſuit, &c.

LXVI. And be it enacted by the authority aforeſaid, That the ſeveral clauſes of this act, for which no continuation is herein before mentioned, may continue and remain in full force and virtue from the firſt day of May one thouſand ſeven hundred and ſixty four for the term of thirty one years, and from thence to the end of the then next ſeſſion of Parliament.

Continuance 31 years, &c. from 1 May 1764, ſave as herein before expreſſed.

CHAP. XVIII.

An Act for the better Diſcovery of charitable Donations and Bequeſts.

WHEREAS the pious intentions of many charitable perſons are frequently defeated by the concealment or miſapplication of their donations or bequeſts to publick or private charities in this kingdom: be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the twenty fifth day of June one thouſand ſeven hundred and ſixty four the vicar general, or his ſurrogate, and the regiſter of the prerogative ſhall make a return to the biſhop of the dioceſe or to his grace the archbiſhop of Armagh reſpectively on or in every year at the annual viſitation, or between the twenty fifth day of March and the twenty fourth day of June in

Vicar general or ſurrogate and regiſter of prerogative ſhall return at annual viſitation or between 25 March and 24 June yearly all charities in wills entered in the office, with name of teſtator and perſon to whom probate, and the dates;

in every year, of every charitable donation or bequeſt contained in any will, which ſhall be entered in the office of ſuch vicar general, ſurrogate, or regiſter, which return ſhall likewiſe contain the name of the teſtator, the name or names of the perſon or perſons to whom a probate of any ſuch will or letters of adminiſtration with ſuch will annexed ſhall be granted, with the date of ſuch will, probate, or adminiſtration; and copies of ſuch returns upon oath ſhall be lodged the beginning of the ſucceeding ſeſſion of Parliament with the clerk of each houſe; and every ſuch officer as aforeſaid, who ſhall neglect to make ſuch return as aforeſaid, ſhall forfeit the ſum of five pounds ſterling to be recovered by any perſon, who ſhall ſue for the ſame, by civil bill before any of the judges of aſſize in their reſpective circuits, or before the recorder of the city of Dublin; and the perſon or perſons, to whom the probate of any ſuch will or letters of adminiſtration as aforeſaid ſhall be granted, ſhall within three kalendar months next after the obtaining the ſame publiſh in the Dublin Gazette three times ſucceſſively every charitable donation or bequeſt contained in ſuch will, the name of the teſtator, the date of ſuch will or codicil, and the name of the perſon or perſons to whom ſuch charitable donation and bequeſt is given and bequeathed, and the name of the perſon or perſons appointed by the teſtator for the management and direction thereof; and the expence of ſuch publication ſhall be paid by the ſaid executors or adminiſtrators out of the ſaid reſpective charities; and every ſuch perſon or perſons, who ſhall neglect to publiſh the ſame in manner herein required, ſhall forfeit for every ſuch neglect the ſum of fifty pounds ſterling to be recovered by any perſon, that ſhall ſue for the ſame, by action of debt, bill, plaint, or information in any of his Majeſty's courts of record, in which no eſſoign or wager of law ſhall be allowed, or more than one imparlance.

copies of returns lodged the beginning of the next ſeſſion in each houſe,

5*l.* penalty on not returning,

to proſecutor by civil bill:

perſons to whom probate, ſhall in 3 months publiſh thrice in Gazette every charity, date of the will, name of teſtator, donees, and truſtees,

penalty 50*l.* by *debt*, &c.

A. D. 1763.

CHAP. XIX.

An Act for indemnifying all such Persons as have been or shall be aiding in the dispersing of Riots, and apprehending the Rioters.

WHEREAS of late many unlawful, riotous, and tumultuous assemblies have been in divers parts of this kingdom: and whereas it is the duty of justices of the peace, and of the sheriff, and under sheriff of the county, where any unlawful riot or tumultuous assembly shall be, taking with them, if need be, the power of the county, to arrest the offenders so as to bring them to justice: be it therefore enacted by the King's most excellent Majesty by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That on notice or knowledge of any such unlawful, riotous, and tumultuous assembly every justice of the peace, sheriff, under sheriff, mayor, bailiff, and other head officer within the limits of their respective jurisdictions, taking with them the necessary assistance, (and they are hereby authorized and impowered to command all his Majesty's subjects of age and ability, to be assisting to them therein) shall resort to the place, where such unlawful, riotous, and tumultuous assembly shall be, and there use their utmost endeavours to disperse the same, and to apprehend and seize the offenders in order to their being proceeded against according to law; and that if the persons so unlawfully, riotously, and tumultuously assembled, or any of them, shall happen to be killed, maimed, or hurt, in the dispersing, seizing, or apprehending, or the endeavouring to disperse, seize, and apprehend them, that then every such justice of the peace, sheriff, under sheriff, mayor, bailiff, head officer, or other peace officer, and all and singular persons being aiding or assisting to them or any of them, shall be freed, discharged, and indemnified as well against the King's Majesty, his heirs and successors, as against all and every other person and persons of, for, or concerning the killing, maiming, or hurting any such person or persons so unlawfully, riotously, and tumultuously assembled, that shall happen to be so killed, maimed, or hurt as aforesaid; and that no prosecution whatsoever shall be had or carried on against such justice or justices of the peace, sheriff, under sheriff, mayor, bailiff, head officer, or other peace officer, or person so aiding or assisting as aforesaid, on account of any such killing, maiming, or hurting, unless the same shall be commenced within twelve months next following.

Magistrates taking assistance required to resort to unlawful riotous assemblies, endeavour to disperse, and seise offenders; and indemnified for killing, maiming, or hurting;

no prosecution against them unless in 12 months.

A. D. 1763.

II. And be it alſo further enacted by the authority aforeſaid, That all and every juſtice of the peace, ſheriff, under ſheriff, peace officer, or other perſon, who has been heretofore in times paſt concerned, aiding, or aſſiſting in the diſperſing or the endeavouring to diſperſe any riotous or tumultuous aſſembly, in the doing of which it may have happened, that ſome perſon or perſons have been killed, maimed, or hurt, ſhall be alſo in like manner, and for ever freed, diſcharged, and indemnified of, for, or concerning all ſuch killing, maiming, or hurting, if no proſecution for the ſame has been already or ſhall be commenced on or before the twenty fourth day of June in the year of our Lord one thouſand ſeven hundred and ſixty four.

CHAP. XX.

An Act for continuing ſeveral Temporary Statutes.

WHEREAS the ſeveral temporary laws and ſtatutes herein after mentioned are found to be of general uſe, and fit to be continued: be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent parliament aſſembled, and by the authority of the ſame, That an act paſſed in the third year of his late Majeſty King George the ſecond, intituled, *An act for the diſcovery of judgments in the courts of King's bench, Common pleas, and Exchequer at Dublin, and for the greater ſecurity of purchaſers*, and which ſaid act has been continued by ſeveral acts of Parliament, but is now near expiring, ſhall and may be continued for eleven years from the twenty fifth day of March one thouſand ſeven hundred and ſixty four, and to the end of the then next ſeſſion of Parliament after the expiration of the ſaid term of eleven years.

3 *G.* 2. 7. continued 11 years, &c. from 25 March 1764.

II. And be it enacted by the authority aforeſaid, That an act paſſed in the twenty fifth year of his late Majeſty King George the ſecond's reign, intituled, *An act for the more effectual execution of orders of courts of juſtice for giving and quieting poſſeſſions, and alſo for the more effectual bringing to juſtice ſuch perſons as ſhall inliſt his Majeſty's ſubjects to ſerve as ſoldiers in foreign ſervice without licence*, and which ſaid act was by an act made in the thirty firſt year of the reign of his ſaid late Majeſty continued in force for ſeven years from the firſt day of June one thouſand ſeven hundred and fifty eight and to the end of the then next ſeſſion of Parliament, ſhall and may be continued for

25 *G.* 2. 12. which was continued by 31 *G.* 2. 9. *ſec.* 9, further continued 7 years, &c. from 1 June next.

A. D. 1763. seven years from the first day of June next, and to the end of the then next session of Parliament after the expiration of the said term of seven years.

CHAP. XXI.

Amended by 5 G. 3. 16. and by 7 G. 3. 27.

An Act for continuing and amending two several Acts of Parliament therein mentioned; and for the more effectual preventing of Frauds in his Majesty's Customs and Excise, and for other Purposes therein mentioned.

WHEREAS by an act passed in the thirty third year of the reign of his late Majesty King George the second, intituled, *An act for the better regulating the collection of his Majesty's revenue, and for preventing of frauds therein, and for repealing an act made the last session of Parliament*, intituled, *An act for continuing and amending several laws heretofore made relating to his Majesty's revenue, and for the more effectual preventing of frauds in his Majesty's customs and excise, and the several acts and statutes which are mentioned in the said act, and continued thereby*, and by one other act of Parliament passed in the second year of the reign of his present Majesty King George the third, intituled, *An act for continuing and amending an act* intituled, *An act for the better regulating the collection of his Majesty's revenue, and for preventing frauds therein, and for repealing an act made the last session of Parliament*, intituled, *An act for continuing and amending several laws heretofore made relating to his Majesty's revenue, and for the more effectual preventing of frauds in his Majesty's customs and excise, and the several acts and statutes which are mentioned in the said act, and continued thereby*, several provisions were made for regulating the collection of his Majesty's revenue and preventing frauds therein, which have been found to be of general use, but are now near expiring: be it enacted by the King' most excellent Majesty by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That the said two recited acts, and all and every the clauses therein respectively contained (except such parts thereof as are altered by this present act) shall continue and be in force for the space of two years from the twenty fourth day of June one thousand seven hundred and sixty four and from thence to the end of the then next session of Parliament, and no longer.

33 G. 2. c. 10.

2 G. 3. c. 7.

both (save as hereby altered) continued by 5 G. 3. 16. 7 G. 3. 27. 11 G. 3. c. 13. and annually, and to 1787 by 26 G. 3. c. 46.

II. And

II. And whereas by the ſaid recited act, made in the thirty third year of the reign of his ſaid late Majeſty King George the ſecond, certain exciſeable commodities therein particularly enumerated on being carried or conveyed into the inland parts of this kingdom are liable to ſeizure, by any of the officers of his Majeſty's revenue, and to be forfeited as run goods, unleſs the carrier or perſon, that conveys the ſame, ſhall actually produce a permit or let paſs given by the proper officer of the revenue for the carriage of the ſaid goods, if demanded or required ſo to do by the ſaid officer: be it further enacted by the authority aforeſaid, That all and every the proviſions and directions in the ſaid recited act, relative to permits or let paſſes for the goods therein particularly enumerated, ſhall extend and are hereby declared to extend to all kinds of ſnuff above the weight of four pounds, that ſhall be carried or conveyed into the inland parts of this kingdom, as fully and abſolutely to all intents and purpoſes as if ſnuff had been mentioned or inſerted in the ſaid recited act among the ſeveral other goods therein enumerated.

Permit.

33 G. 2. 10. *ſec.* 47. extended to ſnuff above 4l.

III. And whereas by the ſaid recited act, made in the thirty third year of his ſaid late Majeſty's reign, there is a penalty or forfeiture of treble the value of any goods or merchandizes ſhipped to be exported, for which any allowance is to be made or drawback given, in caſe the ſame ſhould afterwards be unlawfully unſhipped or relanded in the kingdom of Ireland: be it further enacted by the authority aforeſaid, That over and above the ſaid penalty or forfeiture of treble the value of ſuch goods and merchandizes all and every ſuch goods and merchandizes (commonly called debenture goods) that ſhall be unlawfully unſhipped or relanded in the kingdom of Ireland after having been ſhipped for exportation, ſhall be ſeized and forfeited in the ſame manner as goods, landed without payment of the duties due and payable thereupon, are by the laws now in being to be ſeized and forfeited.

33 G. 2. 10. *ſec.* 54. beſides treble value debenture goods relanded forfeited as goods landed without paying duties.

IV. And be it further enacted by the authority aforeſaid, That all and every maſter, purſer, or other perſon having charge or command of any ſhip or veſſel trading in or to any of the ports of this kingdom, ſhall accommodate ſuch officer or officers of the revenue, as ſhall be placed on board ſuch ſhip or veſſel, with beds or hammocks, not exceeding two at one time, to reſt or ſleep in under the deck of ſuch ſhip or veſſel, upon pain of forfeiting the ſum of five ſhillings Engliſh money for every twenty four hours ſuch maſter, purſer, or other perſon having charge of ſuch ſhip or veſſel, ſhall neglect or refuſe ſo to do; which ſaid penalty ſhall and may be recovered againſt the maſter, purſer, or other perſon having charge or command of ſuch ſhip or veſſel,

Revenue-officers placed on ſhipboard accommodated with 2 beds under deck.

penalty 5s. every 24 hours.

by warrant of commiſſioners, *&c.* on ſummons and proof.

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veſſel, by warrant under the hands and ſeals of the commiſſioners and ſub-commiſſioners of exciſe in their ſeveral and reſpective diſtricts, or the major part of them, to arreſt the perſon of ſuch maſter, purſer, or other perſon having the charge or command of ſuch ſhip or veſſel, and to commit him or them to the gaol of the city or county wherein ſuch warrant ſhall be granted, there to remain until the ſaid penalty is paid, a ſummons being firſt iſſued, and proof made of the ſaid offence either by the confeſſion of the party charged therewith or by other ſufficient evidence upon oath, which oath the commiſſioners and ſub-commiſſioners in their ſeveral and reſpective diſtricts, or the major part of them, are hereby authorized to adminiſter.

Diſtillers. 33 G. 2. 10. ſec. 78.

V. And whereas by the ſaid recited act made in the thirty third year of the reign of his ſaid late Majeſty King George the ſecond it is provided, That any perſon or perſons, who ſhould diſtil ſpirits, aqua vitæ, or ſtrong waters for his or their own uſe only, and not for ſale, might make uſe of any ſtill, black pot, or alembick, which ſhould contain no greater or larger of waſh or pot ale than twelve gallons in their reſpective places of abode: and whereas private diſtillers for ſale in order to evade the payment of his Majeſty's duties have furniſhed themſelves with a number of private ſtills no one whereof is ſufficient to contain a greater quantity of waſh or pot ale than twelve gallons, by means whereof ſeveral frauds have been committed and are daily practiſed by ſuch private diſtillers for ſale to the great detriment of his Majeſty's revenue: for remedy whereof be it further enacted by the authority aforeſaid, That from and after the twenty fourth day of June one thouſand ſeven hundred and ſixty four no perſon or perſons ſhall have or keep in his or their cuſtody or poſſeſſion, or ſhall make uſe of more than one ſtill, black pot, or alembick of the dimenſions of twelve gallons or under, (other than and except a brazier or other manufacturer in metal) or ſhall have or keep at any one time in his, her, or their poſſeſſion a quantity of pot ale or waſh exceeding ſixty gallons; and that if more than one ſtill, black pot, or alembick of the dimenſions of twelve gallons or under ſhall be found in the poſſeſſion of any perſon, except as aforeſaid, or if a greater quantity of pot ale or waſh than ſixty gallons ſhall be found in the poſſeſſion or cuſtody of any perſon (except common diſtillers for ſale) then and in that caſe all ſuch ſtills, black pots, or alembicks ſhall and may be ſeized, and ſhall be forfeited; and it ſhall and may be lawful for any officer of the revenue to ſpill all ſuch pot ale or waſh, that ſhall be found or diſcovered over and above the quantity of ſixty gallons; and the perſon or perſons, in whoſe cuſtody the ſame ſhall be found,

none ſhall have above one ſtill, black pot, or alembick, of 12 gallons or under (ſave braziers or metal manufacturers) if more, forfeited,

nor above 60 gallons of pot-ale or waſh; if more found, may be ſpilled by the revenue officer,

ſhall be deemed and taken to be a common diſtiller or common diſtillers for ſale, and be ſubject and liable to the payment of duties, and all other penalties, forfeitures, and regulations, as common diſtillers for ſale are by the laws now in being ſubject and liable unto.

the perſon, in whoſe cuſtody, deemed common diſtiller.

VI. And be it further enacted by the authority aforeſaid, That from and after the twenty fourth day of June one thouſand ſeven hundred and ſixty four every ſtill, black pot, and alembick for making or diſtilling aqua vitæ or ſpirits from pot ale, ſugar waſh, or decayed wines, which cannot contain more than twelve gallons, ſhall, before the ſame is ſet at work, be entered and regiſtered in the office of exciſe of the diſtrict, wherein ſuch ſtill, black pot, or alembick is intended to be ſet at work; which entry or regiſtry ſhall contain the chriſtian name and ſirname of the perſon, to whom ſuch ſtill, black pot, or alembick ſhall belong, and the true contents of the ſame, and the place where ſuch ſtill, black pot, or alembick is fixed, or intended to be fixed, and the day of the month when ſuch regiſtry is made; and the officer of exciſe ſhall thereupon grant a certificate thereof; and if any ſtill, black pot, or alembick, which ſhall not be ſufficient to contain more than twelve gallons, ſhall after the ſaid twenty fourth day of June one thouſand ſeven hundred and ſixty four be found or diſcovered in the houſe or poſſeſſion of any perſon or perſons (other than and except a brazier or other manufacturer in metal) not entered or regiſtered in the manner aforeſaid, then every ſuch ſtill, black pot, or alembick ſhall be ſeized and forfeited; and all waſh and pot ale, which ſhall be found therein, ſhall be ſpilled; all low wines and ſtrong liquors, which ſhall be found therein, ſhall be likewiſe forfeited, and alſo the ſum of five pounds ſterling.

Stills, &c. not above 12 gallons before ſet at work, regiſtered in exciſe office with owner's name, contents, place, and time; and thereon certificate granted.

If not regiſtered, forfeited (ſave braziers, &c.) and alſo the low wines, the waſh and pot ale ſpilled; and alſo 5l. forfeited.

VII. And be it further enacted by the authority aforeſaid, That from and after the twenty fourth day of June one thouſand ſeven hundred and ſixty four every diſtiller or maker of low wines, ſpirits, aqua vitæ, or ſtrong waters for ſale, or the perſon or perſons employed by him, her, or them to attend his, her, or their ſtill-houſe, ſhall from time to time, and as often as ſuch diſtiller ſhall be required by the officer or officers appointed to view, gauge, and take an account of ſuch low wines, ſpirits, aqua vitæ, or ſtrong waters, ſhew to ſuch officer or officers all the ſtock then on hand of ſpirits, aqua vitæ, or ſtrong waters, belonging to ſuch diſtiller under the penalty of ten pounds in caſe of refuſal to be forfeited by ſuch diſtiller, and five pounds to be forfeited by the ſervant or other perſon attending the ſaid ſtill-houſe; and in caſe ſuch officer or officers ſhall afterwards find any ſpirits, aqua vitæ, or ſtrong waters of the ſtock then in hand

Diſtillers for ſale or ſervants on requeſt ſhall ſhew the officer their ſtock on hand,

penalty 10l. on diſtiller, 5l. the ſervant,

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hand over and above the quantity ſo ſhewn as aforeſaid, that then all ſuch ſpirits, aqua vitæ, and ſtrong waters ſhall be forfeited; and ſuch diſtiller ſhall forfeit the ſum of twenty ſhillings for every gallon of ſpirits, aqua vitæ, or ſtrong waters, that ſhall be found or diſcovered in the poſſeſſion of ſuch diſtiller over and above the quantity ſo ſhewn as aforeſaid.

if more found than ſhewn, forfeited and 20s. *per* gallon.

VIII. And be it further enacted by the authority aforeſaid, That from and after the ſaid twenty fourth day of June one thouſand ſeven hundred and ſixty four no diſtiller or diſtillers for ſale ſhall ſet in his, her, or their backs or other veſſels, made uſe of for fermenting waſh of molaſſes or ſugar, any leſs quantity of waſh than four hundred gallons at any one time, on pain of forfeiting ten pounds for every ſuch offence, to be recovered in manner herein after mentioned.

Diſtillers not to ſet in their veſſels for fermenting ſugar waſh or molaſſes leſs than 400 gallons at once, penalty 10l.

IX. And be it further enacted by the authority aforeſaid, That from and after the twenty fourth day of June one thouſand ſeven hundred and ſixty four all waſh, pot ale, low wines, ſtrong waters, and ſpirits, which ſhall be found in any field, garden, wood, bog, or mountain of this kingdom, and all and every veſſel and veſſels, in which the ſame ſhall be found, ſhall be adjudged forfeited, and ſhall and may be ſeized and carried away by any officer of his Majeſty's revenue.

Waſh, pot ale, low wines, ſtrong waters, and ſpirits in fields, gardens, &c. forfeited with the veſſels.

X. And be it further enacted by the authority aforeſaid, That from and after the ſaid twenty fourth day of June one thouſand ſeven hundred and ſixty four all waſh and pot ale, which ſhall be found in any houſe, out-houſe, or other place, (not belonging to a common diſtiller of ſpirits, aqua vitæ, or ſtrong waters for ſale) and where no ſtill, black pot, or alembick is ſet and fixed for diſtilling of the ſame, ſhall be ſpilled by any officer of his Majeſty's revenue of exciſe, who ſhall find or diſcover the ſame: unleſs the ſum of ten pence for every nine gallons of pot ale, or the like ſum for every ſix gallons of molaſſes or ſugar waſh, (being the duties due and payable to his Majeſty therefrom) be immediately paid, or ſufficient ſecurity given to ſuch officer of exciſe for the payment thereof.

Waſh and pot ale, not of common diſtiller for ſale, where no ſtill, &c. fixed, ſpilled, unleſs the duties immediately paid or ſecurity.

Retailers. 17 & 18 *C.* 2. 19. *ſec.* 2.

XI. And whereas by an act made in the ſeventeenth and eighteenth years of the reign of his Majeſty King Charles the ſecond, intituled, *An act for the better ordering the ſelling of wines and aqua vitæ, together with all ſorts of ſtrong waters by retail*, it is enacted among other things, that every retailer of aqua vitæ or other kind of ſtrong water whatſoever ſhall be obliged to take out a licence for that purpoſe, and ſhall for ſuch licence pay ſuch ſum, as ſhall be agreed upon; ſo as none do pay leſs than the ſum of ten ſhillings yearly, and none be compelled to pay more in the city and county of the city of Dublin

On licence for retailing aqua vitæ, ſtrong waters, or ſpirits in Dublin and 4 miles of the Tholſel not leſs than 4l. yearly, nor more than 10l.

Dublin, than ten pounds yearly, and in all other places than five pounds yearly: and whereas the number of ſpirit retailers, and the conſumption of low priced and noxious ſpirits have of late grievouſly increaſed in the city and county of Dublin to the manifeſt encouragement of drunkenneſs and all ſorts of diſorders to the ruin of many valuable trades and manufactures, and to the great detriment of the health of his Majeſty's ſubjects: for remedy whereof be it enacted by the authority aforeſaid, That from and immediately after the paſſing of this act there ſhall be payable to his Majeſty, his heirs and ſucceſſors, for every licence to be granted for ſelling aqua vitæ, or any kind of ſtrong waters or ſpirits whatſoever, by retail in the ſaid city, and within four miles of the Tholſel of the ſaid city, as well within franchiſes and liberties as without, ſuch ſum, as ſhall be agreed to be paid for ſuch licence purſuant to the direction of the ſaid act of the ſeventeenth and eighteenth of Charles the ſecond; ſo as none do pay leſs than the ſum of four pounds yearly, and none ſhall be compelled to pay more than ten pounds yearly, any law to the contrary in any wiſe notwithſtanding.

One or more chief commiſſioners of exciſe may determine complaints and levy forfeitures on ſelling ſpirits without licence.

XII. And whereas there are at preſent great quantities of low priced and noxious ſpirits ſold in obſcure and unlicenced hoſes, and the increaſing the duty upon ſpirit licences will be an additional temptation to perſons to ſell without licence: and whereas abuſes of this kind do frequently paſs unpuniſhed: in order therefore for the more expeditious determining and effectual preventing the ſame, be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for any one or more of the chief commiſſioners of exciſe to hear and determine all complaints, and to levy all forfeitures, that ſhall be made or incurred by or againſt any perſon or perſons for ſelling ſpirits without licence, in the ſame manner and as effectually to all intents and purpoſes, as any three of the ſaid chief commiſſioners are now impowered to do, with like remedy of appeal as herein after mentioned.

33 *G.* 2. 10. *ſec.* 93.

14 & 15 *C.* 2. 18. *ſec.* 2. 17 & 18 *C.* 2. 19. *ſec.* 2.

XIII. And whereas by the ſaid recited act, paſſed in the thirty third year of the reign of his late Majeſty King George the ſecond, recognizances are to be entered into by perſons applying for licences to ſell victuals, beer, ale, wine, and ſtrong waters in manner as by the ſaid act is directed, and ſuch fees only are to be paid for the ſame, as are allowed in two ſeveral acts of Parliament made in the reign of King Charles the ſecond in the ſaid act of the thirty third year of King George the ſecond particularly recited: and whereas the fee, allowed by the ſaid acts to the collectors of the duty ariſing from licences, is after the

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rate of two ſhillings for every year, which ſhould be comprized in ſuch licence for ſelling of wines, and after the rate of twelve pence for every year which ſhould be compriſed in ſuch licence for ſelling of ſtrong waters, and no more; and the ſaid collectors are not to exact or receive from any perſon to be licenced any ſum of money, fee, or reward for the ſaid recognizance, licence, or acquittance, other than as aforeſaid, upon pain of forfeiting the ſum of ten pounds ſterling, and being put from his office: and whereas the directions in the ſaid recited act of the thirty third year of the reign of King George the ſecond concerning the taking of recognizances and granting of licences have occaſioned a great additional trouble and expence to the collectors of the duty ariſing from licences, particularly in the diſtrict of Dublin, and the fees allowed by law for the ſame are by no means adequate to the trouble and expence thereof: be it therefore enacted by the authority aforeſaid, That from and after the twenty fourth day of June one thouſand ſeven hundred and ſixty four it ſhall and may be lawful to and for the collector of the duties ariſing from ſtrong water licences in the collection of Dublin diſtrict to take and receive from every perſon, that ſhall be licenſed to ſell ſtrong waters by retail, the ſum of two ſhillings, and no more, for every recognizance (provided that the ſaid collector do take good and ſufficient ſecurity, that the ſaid perſons do keep a good and orderly houſe according to the intent and meaning of the ſaid recited act) any thing in the ſaid acts or any of them to the contrary notwithſtanding.

Collector's fee of Dublin diſtrict on licence to retail ſtrong waters 2s. every recognizance, taking ſecurity to keep an orderly houſe.

XIV. And be it enacted by the authority aforeſaid, That from and after the twenty fourth day of June one thouſand ſeven hundred and ſixty four no perſon or perſons whatſoever ſhall be intitled unto or maintain any cauſe, action, or ſuit for, or recover either in law or equity, any ſum or ſums of money, debt, or demands whatſoever for or on account of any ſpirituous liquors, unleſs ſuch debt ſhall have really been and *bona fide* contracted at one time to the amount of five ſhillings or upwards: nor ſhall any particular article or *item* in any account or demand for diſtilled ſpirituous liquors be allowed or maintained, where the liquors delivered at one time, and mentioned in ſuch article or *item*, ſhall not amount to the full value of five ſhillings at the leaſt, and that without fraud or covin, and where no part of the liquors ſo ſold or delivered ſhall have been returned or agreed to be returned directly or indirectly; and in caſe any retailer of ſpirituous liquors ſhall take or receive any pawn or pledge from any perſon or perſons whatſoever by way of ſecurity for the payment of any ſum or ſums of money, owing by ſuch perſon or perſons for ſuch ſpirituous liquors or ſtrong waters, every ſuch perſon or perſons

No debt for ſpirituous liquors recovered, unleſs *bona fide* contracted at once to 5s. or upwards,

So on *items* in account,

and where no part of the liquors returned, or to be ſo,

retailer of ſpirituous liquors receiving a pawn, penalty 40s. to the poor and informer,

perſons offending herein, ſhall forfeit and loſe the ſum of forty ſhillings for each and every pawn or pledge, ſo taken in or received by him or them, to be levied and recovered by warrant under the hand and ſeal of one juſtice of the peace where the offence is committed; and that one moiety thereof ſhall be to the uſe of the poor of the pariſh where ſuch offence is committed, and the other moiety to the informer or informers; and the perſon or perſons, to whom any ſuch pawn or pledge doth or ſhall belong, ſhall have the ſame remedy for recovering ſuch pawn, or the value thereof, as if it had never been pledged.

and remedy to pawner as if never pledged.

XV. And be it enacted by the authority aforeſaid, That no licence ſhall be granted for the retailing of ſpirituous liquors, beer, ale, wine, cyder, or other liquors within any gaol, priſon, houſe of correction, work-houſe, or houſe of entertainment for any pariſh poor; and that all licences granted, or to be granted, contrary to this proviſion, ſhall be void and of no effect, from and after the ſaid twenty fourth day of June one thouſand ſeven hundred and ſixty four.

No licence to retail liquors in gaol, work or poor-houſe.

XVI. And the more effectually to prevent the running of tea, which is generally done in ſmall packages, be it further enacted by the authority aforeſaid, That from and after the twenty fourth day of June one thouſand ſeven hundred and ſixty four, no tea ſhall be imported and brought into this kingdom, or into any port, harbour, haven, or creek thereof, in any package whatſoever, that ſhall not hold or contain at the leaſt ten pounds weight of tea, upon pain of forfeiting all ſuch tea as ſhall be imported or brought into this kingdom in a leſs package than ten pounds weight, or the value thereof.

Tea. not imported in package under 10lb. weight, if ſo, forfeited, or the value.

XVII. And whereas ſeveral merchants, after payment of the duties due and payable on goods, wares, and merchandizes imported into the port of Dublin, ſuffer the ſame to lie a conſiderable time on the cuſtom-houſe quay of the ſaid port, to the great obſtruction and hinderance of other perſons having goods to land on the ſame quay: for remedy whereof, be it enacted by the authority aforeſaid, That from and after the twenty fourth day of June one thouſand ſeven hundred and ſixty four, no perſon or perſons whatſoever ſhall ſuffer his, her, or their goods, wares, or merchandizes to remain or lie on the cuſtom-houſe quay of the port of Dublin, any longer ſpace of time than ten days after the ſame ſhall have been landed; and if any perſon or perſons ſhall contrary to the directions in this act mentioned, permit or ſuffer his, her, or their goods, wares, or merchandizes to remain on the ſaid quay for a longer ſpace of time than as aforeſaid, then, and in that caſe, all and every perſon and perſons ſo

Goods not to lie on cuſtom-houſe quay of Dub- above 10 days after landing,

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offending, ſhall forfeit the ſum of forſty ſhillings ſterling for every day he, ſhe, or they ſhall ſuffer his, her, or their goods, wares, or merchandizes to be or remain on the ſaid quay after the expiration of ten days, to be computed from the day of landing the ſame; which ſaid penalty ſhall and may be recovered by civil bill before the recorder of the city of Dublin, or the perſon appointed to hear civil bills in his abſence, and ſhall be for the ſole uſe of the perſon or perſons, who ſhall without fraud or covin firſt ſue for the ſame: provided always, that the owner of goods landed on a bill of view ſhall not be liable to the penalties aforeſaid, until ten days after the ſame ſhall be entered.

penalty 40s. *per diem*, by civil bill, to firſt real proſecutor;

on bill of view not liable till ten days after entered.

Hearth-money collectors.

17 & 18 *C.* 2. 11. ſ. 4.

XVIII. And whereas by an act made in the ſeventeenth and eighteenth years of the reign of King Charles the ſecond, intituled, *An additional act for the better ordering and collecting the revenue ariſing by hearth money*, it was among other things enacted, That it ſhould and might be lawful for the lord lieutenant, lord deputy, or other chief governor or governors of this kingdom for the time being, and council to conſtitute and appoint ſuch perſon and perſons, as they ſhould think meet, to be the officer or officers for the receiving and collecting the duty ariſing by hearths, firing places, and ſtoves, by virtue of the ſaid act, and of one other act made in the fourteenth and fifteenth years of the ſaid King's reign, intituled, *An act for eſtabliſhing an additional revenue upon his Majeſty, his heirs and ſucceſſors, for the better ſupport of his and their crown and dignity*: and it was further enacted in and by the ſaid firſt mentioned act, that it ſhould and might be lawful for the ſaid lord lieutenant, lord deputy, or other chief governor or governors, and council of this kingdom for the time being, from time to time to appoint ſuch perſons, as they ſhould think fit, to do, execute, and perform all and every the matters and things, which by the ſaid recited acts were to be done, executed, or performed by any juſtices of the peace or clerks of the peace of this kingdom: and whereas for many years paſt, the perſons employed in the receiving or collecting the duty ariſing by hearths, firing places, and ſtoves, have been appointed by the commiſſioners of his Majeſty's revenue, in purſuance of the powers and authorities given and granted unto them in and by the ſeveral letters patent or commiſſions under the great ſeal of this kingdom, which have from time to time been paſſed, conſtituting and appointing the ſeveral perſons in the reſpective letters patent mentioned to be commiſſioners of his Majeſty's revenues in and throughout the realm of Ireland: and whereas it hath been queſtioned, whether the appointment of officers for the receiving or collecting the ſaid duties ariſing from hearths, firing

14 & 15 *C.* 2. 17.

17 & 18 *C.* 2. 18 ſ. 10.

places,

places, and ſtoves by the commiſſioners of the revenue, in purſuance of the ſaid letters patents or commiſſions be ſtrictly legal: for taking away all doubts concerning the ſame, be it enacted by the authority aforeſaid, That all and every the commiſſions or appointments which have heretofore been executed under the hands and ſeals of the commiſſioners of his Majeſty's revenue, or any three or more of them, or which ſhall be executed by them, or any three or more of them, during the continuance of their preſent commiſſion, conſtituting and appointing the ſeveral and reſpective perſons named or mentioned in ſuch commiſſions or appointments, the officer or officers, collector or collectors, of the duty ariſing from hearths, firing places, and ſtoves, ſhall be and are hereby declared to be firm, valid, and effectual in the law to all intents and purpoſes whatſoever.

appointment of hearth-money collectors by the commiſſioners valid.

XIX. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for his Majeſty, his heirs, and ſucceſſors, by one or more commiſſion or commiſſions, under the great ſeal of this kingdom, to authorize and impower the commiſſioners of cuſtoms and exciſe, or any three or more of them, to appoint ſuch perſon and perſons, as they ſhall think fitting, to be the officer or officers, collector or collectors, for receiving and collecting the duty ariſing by or from hearths, firing places, and ſtoves: which ſaid officers and collectors ſo to be appointed, ſhall have all ſuch powers and authorities, as if they had been ſeverally appointed, according to the directions of the ſaid recited act of the ſeventeenth and eighteenth years of the reign of King Charles the ſecond.

The King may impower commiſſioners of cuſtoms and exciſe, or any three, to appoint hearth-money collectors, as if ſeverally appointed purſuant to 17 & 18 *C.* 2. 18.

XX. Provided always, That in caſe his Majeſty, his heirs and ſucceſſors, ſhall not think fit to authorize and impower the commiſſioners of cuſtoms and exciſe, or any three or more of them, to conſtitute and appoint ſuch officers and collectors as aforeſaid, that then, and in ſuch caſe, all and every ſuch officers and collectors as aforeſaid ſhall be appointed by ſuch perſon and perſons, and in ſuch manner, as if this act had never been made.

If commiſſioners not ſo impowered, appointed as if this act not made.

XXI. And be it further enacted by the authority aforeſaid, That all contracts, of what nature or kind ſoever, made or to be made with any perſon or perſons whatſoever for any exciſeable goods or commodities clandeſtinely imported, or to be clandeſtinely imported into this kingdom from the Iſle of Man, ſhall be, and are hereby declared and adjudged to be null and void, and of no effect; nor ſhall any ſuit be thereupon maintainable in any court of law or equity in this kingdom.

Iſle of Man contracts for clandeſtine importation of exciſeable goods thence void.

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Silks. no drawback on exporting foreign silks, not of Great Britain.

XXII. And be it further enacted by the authority aforesaid, That from the twenty fourth day of June one thousand seven hundred and sixty four, no merchant, or other person or persons, who shall import into this kingdom foreign silks, not of the manufacture of Great Britain, shall be intitled to any drawback whatsoever on exporting or re-shipping the same.

CHAP. XXII.

An Act for discharging all Arrears of Quit, Crown, and Composition Rents, which have been growing due for twenty Years last past, on the Terms, and in the Manner therein mentioned.

Revived and continued 10 years by 5 & 12 G. 3. c. 19. s. 6.

WHEREAS several lands, rectory, abbey, priory, monastery lands, tythes, fairs, tenements, and hereditaments, chargeable with quit rents, crown rents, composition rents, as other chief rents payable to his Majesty, his heirs and successors, have been for many years passed returned by the collectors of his Majesty's revenue, to whom such rents have been given in charge, as not to be found, and such rents have been constantly carried on, and returned in arrear; by means whereof such arrears do now amount to considerable sums of money, and will be great incumbrances on such lands, rectory, abbey, priory, and monastery lands, tythes, fairs, tenements, and hereditaments, in case the same should be hereafter discovered: and whereas it is apprehended from the great length of time, that such arrears have been carried on, and the changes of names that have happened in several of the said lands, rectory, abbey priory, monastery lands, tythes, fairs, tenements, and hereditaments, that the discovery of such lands, rectory, abbey, priory, and monastery, lands, tythes, fairs, tenements, and hereditaments, and the recovery of such arrears, will become every day more difficult and expensive, and that giving an encouragement to the present owners of such lands, rectory, abbey, priory, monastery lands, tythes, fairs, tenements, and hereditaments, to discover the same, so as that the growing rents payable to his Majesty, his heirs and successors, may be hereafter punctually paid, will increase his Majesty's revenue: be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That it shall and may be lawful to and for every person and persons, bodies politick and corporate, at any time before the twenty fifth day of March, which will be in the year of our Lord one thousand seven hundred and seventy, to prefer his, her, or their petition

Before 25 March 1770, petition may be to Exchequer of lands, &c. liable to quit, crown,

on or petitions to his Majeſty's court of Exchequer, thereby ſetting forth that all or ſome of the lands, rectory, abbey, priory, monaſtry lands, tythes, fairs, tenements, and hereditaments, whereof he, ſhe, or they is or are ſeized, is or are ſubject or liable to ſome certain quit rent, crown rent, compoſition rent, or other chief rent, payable to his Majeſty, his heirs and ſucceſſors, which hath not been paid by him, her, or them, or thoſe under whom they reſpectively derive, for the ſpace of twenty years next immediately preceeding the twenty ninth day of September in the year of our Lord one thouſand ſeven hundred and ſixty four particularly deſcribing in ſuch petition the lands liable to the payment thereof as well by their preſent as former names and denominations, and thereby ſubmitting to pay all ſuch annual quit rent, crown rent, compoſition rent, or other chief rent, which ſhall become due from and after the ſaid twenty ninth day of September, and praying to have ſuch lands, rectory, abbey, priory, monaſtry lands, tythes, fairs, tenements, or hereditaments, diſcharged of and from all arrears of ſuch rent incurred due before the ſaid twenty ninth day of September one thouſand ſeven hundred and ſixty four; which petition or petitions ſhall be engroſſed on parchment, and ſigned by the party or parties preferring the ſame, (except in caſe of a minor, or lunatick, and in ſuch caſe by the guardian or guardians, committee or committees, of ſuch minor or lunatick) and ſhall be filed on record in the ſecond remembrancer's office; and that a copy of ſuch petition ſhall be read in open court on ſome day during the term or the ſittings after the term, in which ſuch petition ſhall be preferred, or, if preferred in the time of vacation, then on ſome day in the term next following; and that thereupon an order ſhall be made by the ſaid court, that the auditor general or his deputy or deputies ſhall ſearch into the reſpective rent-rolls, books, and records in his office, and ſhall certify to the ſaid court, by a certain day to be appointed by the ſaid court, whether any ſuch rent, or rents, as is or are mentioned in ſuch petition or petitions, hath or have been accounted for to his Majeſty or his predeceſſors within the ſpace of twenty years next preceding the ſaid twenty ninth day of September one thouſand ſeven hundred and ſixty four; a copy of which order ſhall be ſerved on the ſaid auditor general or his deputy ten days at the leaſt before the day appointed for his making ſuch certificate; and the ſaid auditor general or his deputy is hereby required to make ſuch ſearches, and to certify to the ſaid court of Exchequer, whether it appears to him, that ſuch rents have been paid or accounted for to his Majeſty or his predeceſſors within the ſpace of twenty years next before the twenty ninth

compoſition, or chief rent to the King, not paid 20 years before 29 Sept. 1764, deſcribing particularly the lands by preſent and former names, ſubmitting to pay the ſubſequent rent on diſcharge of all arrear.

Petition engroſſed, ſigned by the party, guardian, or committee, filed in remembrancer's office.

A copy read in court that term or ſittings after, or the next if in vacation.

Order to auditor to ſearch and certify if ſuch rent accounted for in 20 years before 29 Sept. 1764, and ſerved on auditor ten days before certificate.

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day of September one thouſand ſeven hundred and ſixty four; for which ſearch the ſum of two ſhillings and ſix pence, and no more, and for which certificate the ſum of ſix ſhillings and eight pence, and no more, and for entry of a diſcharge of ſuch arrears out of the rent rolls the ſum of three ſhillings and four pence, and no more, ſhall be paid to the ſaid auditor general: and if upon return of ſuch certificate, and upon examining into the truth of the allegations of ſuch petition or petitions by the ſaid court of Exchequer in a ſummary way it ſhall appear to the ſaid court, that the allegations contained in ſuch petition or petitions are true, or if it ſhall appear, that no quit rent, crown rent, compoſition rent, or other chief rent payable to his Majeſty, his heirs and ſucceſſors, hath been paid for or out of ſuch lands, rectory, abbey, priory, monaſtry lands, tythes, fairs, tenements, and hereditaments, or hath been accounted for to the collectors of his Majeſty's revenue for the diſtrict, wherein ſuch lands, rectory, abbey, priory, monaſtry lands, tythes, tenements, or hereditaments lie, within the term of twenty years next before the twenty ninth day of September one thouſand ſeven hundred and ſixty four, then and in ſuch caſe the ſaid court of Exchequer is hereby authorized, impowered, and required to make an order on ſuch petition or petitions, that the ſaid lands, rectory, abbey, priory, monaſtry lands, tythes, fairs, tenements, or hereditaments mentioned in ſuch petition or petitions, and the perſons who from time to time reſpectively held and enjoyed the ſame, ſhall be abſolutely freed and diſcharged of and from all ſuch rents and arrears due or in arrear at any time before the ſaid twenty ninth day of September one thouſand ſeven hundred and ſixty four; and ſhall order the ſaid auditor general to give in charge ſuch growing rents, as the ſaid lands, rectory, abbey, priory, monaſtry lands, tythes, tenements, or hereditaments, ſhall appear to be charged or chargeable with, which ſhall become due from and after the ſaid twenty ninth day of September one thouſand ſeven hundred and ſixty four, to the collector or collectors of the diſtrict or diſtricts, where ſuch lands, rectory, abbey, priory, monaſtry lands, tythes, fairs, tenements, or hereditaments do lie, to the intent that the ſame may be duly collected for the future; and that ſuch order ſhall be an effectual diſcharge againſt his Majeſty, his heirs and ſucceſſors, as to ſuch arrears.

Auditor's fee for ſearch 2s. 6d certificate 6s. 8d. entry of diſcharge of arrear 3s. 4d.

On return of certificate Exchequer to examine ſummarily, and order the lands, &c. to be diſcharged of arrear, and to give in charge the growing rents to collector.

Such order effectual diſcharge againſt the King.

II. And be it further enacted by the authority aforeſaid, That the collectors of his Majeſty's revenue in their ſeveral and reſpective diſtricts before the next general aſſizes, which ſhall happen next after the firſt day of March, which will be in the year of our Lord one thouſand ſeven hundred and ſixty five, for the

Collectors before aſſizes next after 1ſt March 1765, to make liſts of all lands, &c. chargeable where-

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the reſpective counties in which their reſpective diſtricts lie, to make or cauſe to be made exact liſts of the names of all the lands, rectory, abbey, priory, monaſtry lands, tythes, fairs, tenements, or hereditaments, ſituate in their reſpective diſtricts chargeable with any quit rent, crown rent, compoſition rent, or other chief rent, payable to his Majeſty, his heirs and ſucceſſors, and whereout no ſuch rent hath been paid for twenty years before the twenty ninth day of September one thouſand ſeven hundred and ſixty four, together with the annual quit rent, crown rent, compoſition rent, or other chief rent payable out of ſuch lands, rectory, abbey, priory, monaſtry lands, tythes, fairs, tenements, or hereditaments to his Majeſty, his heirs and ſucceſſors, and alſo the amount of the arrears due for the ſaid lands, rectory, abbey, priory, monaſtry lands, tythes, fairs, tenements, or hereditaments reſpectively at the time of making ſuch liſts; which ſaid liſts ſhall be publickly affixed on the ſeſſion-houſe doors of the reſpective counties, wherein ſuch lands, rectory, abbey, priory, monaſtry lands, tythes, fairs, tenements, or hereditaments do lie, the firſt day of the ſaid aſſizes; and ſhall alſo be read by the clerk of the crown on the ſecond day of ſuch aſſizes in open court, to the intent that all perſons within the ſaid county may have publick notice of the ſame; and in like manner the ſaid collector ſhall continue to make the like liſts, and the ſame ſhall in like manner be publiſhed on the ſeſſion-houſe doors of the ſaid reſpective counties, and read in open court the three next following aſſizes, which ſhall be held for the reſpective counties, wherein their reſpective diſtricts are ſituate.

out no ſuch rent paid 20 years, with the annual rent payable, and amount of arrear,

ſaid liſts fixed to ſeſſion houſe door 1ſt day of aſſizes,

read the 2d,

ſo for the 3 next aſſizes.

CHAP. XXIII.

An Act for the better Preſervation of the Game.

WHEREAS there is reaſon to apprehend from the preſent ſcarcity of the game, that the ſeveral laws heretofore enacted for the preſervation thereof in this kingdom have proved ineffectual: for remedy whereof, and to the end that the rights of perſons of landed property to the game on their reſpective eſtates and lands may henceforth be better known and aſcertained, and may be the leſs liable to incroachments or invaſions of others, be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and every the articles and clauſes in the laws now in force in this king-

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dom for the better preſervation of the game, which is or are not hereby altered, varied, or repealed, ſhall have and retain the ſame force and duration as before the making of this act; and that from and after the firſt day of May in the year one thouſand ſeven hundred and ſixty four all and every perſon or perſons ſeized in his, her, or their own rights, or in the right of his or their wives, of any legal or equitable eſtate (and not as a truſtee or mortgagee) in lands in fee ſimple, fee tail, as tenant by the courteſy, or in dower, or as tenant for life, under any will, deed or ſettlement, ſhall have the ſole and abſolute property in all kind and ſpecies of game on their reſpective eſtates and lands.

All game acts, not hereby varied, to have the ſame force and duration as before.

Inheritors or tenants for life not as truſtee or mortgagee, to have the ſole property of all game on their lands.

II. And be it further enacted by the authority aforeſaid, That from and after the firſt day of May in the year one thouſand ſeven hundred and ſixty four no perſon or perſons whatſoever, except thoſe herein after provided for, ſhall go or enter upon the land of any other perſon or perſons to look for, ſet, ſpring, ſhoot, ſtart, courſe, hunt, hawk, or otherwiſe purſue or take any ſort of game, unleſs in company with the owner, or ſome one of the owners (if there be more than one) of the inheritance of ſuch land, or with the tenant or tenants for life of ſuch land, not ſubject to any rent (quit or crown rent only excepted) or by a licence for that purpoſe under the hand of ſuch inheritor or tenant for life firſt had and obtained; and that each and every perſon and perſons offending in any of the particulars herein ſet forth, being thereof convicted at the proſecution of ſuch inheritor, or tenant for life, or of the occupier of ſuch land, before two or more juſtices of the peace of the county, where ſuch offence ſhall be committed, either on the offending parties own confeſſion, or on the oath of one or more credible witneſs or witneſſes, ſhall for every ſuch offence forfeit the ſum of ten pounds, to be levied by warrant of ſuch juſtice of the peace, before whom ſuch offender ſhall be convicted, by diſtreſs and ſale of the goods of ſuch offender, returning the overplus (if any there be) to the party diſtrained; the one moiety of ſuch penalty and penalties to be paid to him who ſhall proſecute for the ſame, the other moiety to the church-wardens for the repair of the highways of the pariſh where ſuch offence ſhall be committed; and in caſe no ſufficient diſtreſs ſhall be found, the perſon or perſons ſo offending ſhall by warrant of ſuch juſtice of the peace, be ſent to the next houſe of correction or to the common county goal, there to be kept in cloſe cuſtody without bail or mainprize for one month.

Explained as to looking for game by 21 & 22 G. 3. c. 40.

None to hunt, &c. unleſs in company, or by licence under hand of inheritor or tenant for life, not ſubject to rent ſave quit or crown rent.

Penalty 10l.

to the proſecutor, and church wardens for the pariſh highways.

If no diſtreſs, confined one month.

III. Provided nevertheleſs, That all and every perſon and perſons, who now is or are ſeized or poſſeſſed by virtue of any fee

farm leaſe, or leaſe for ever, or of any leaſe for one or more life or lives, or years and all and every perſon or perſons deriving under or duly authorized by ſuch perſon or perſons, ſhall have and enjoy the ſame right to look for, ſet, ſpring, ſhoot, ſtart, courſe, hunt, hawk, or otherwiſe purſue any ſort of game on the lands, of which ſuch perſon or perſons is or are ſeized or poſſeſſed as aforeſaid, as ſuch perſon or perſons now has and enjoys by the laws now in force in this kingdom.

Saving to leſſees their right by the laws in force.

IV. Provided alſo, That nothing herein contained ſhall extend or be conſtrued to extend to deprive any perſon, duly qualified and keeping hounds of his own, of ſuch privileges of beating for hares, as he with his uſual and neceſſary attendants might have had before the paſſing of this act.

And to perſons qualified and keeping hounds.

V. Provided that every ſuch proſecution be commenced within three kalendar months after the offence committed; and that the proſecutor or party convicted may appeal from every ſuch adjudication to the next going judges of aſſize for the county, where ſuch offence ſhall be committed, who are hereby authorized and required to hear and determine every ſuch appeal.

Proſecution in 3 months,

appeal next aſſizes.

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VI. Provided alſo, That no colluſive proſecution ſhall barr any other perſon hereby qualified to carry on a proſecution for the ſaid offence, ſuch other proſecution being carried on within the ſaid three months after the offence proſecuted.

Not barred by colluſive proſecution.

VII. Provided always, That no one offence ſhall be twice puniſhed; and that where any offender ſhall be once puniſhed by force of this act, he ſhall not again be liable by virtue of any other law to anſwer again for the ſame offence.

Not puniſhed twice

VIII. Provided alſo, That nothing herein contained ſhall ſubject any perſon or perſons, duly qualified by the laws now in being to hunt for or to kill game, his or their ſervants or neceſſary attendants, to any of the pains or penalties hereby inflicted for following or purſuing their game into the lands of other perſons.

Qualified perſons, or their attendants, following their game into other lands, exempted.

IX. Provided always, That ſuch other perſon or perſons may have ſuch remedies and ſuch redreſs againſt perſons ſo following their game for any damage, they ſhall do to ſuch other perſons, as ſuch other perſons may have or are intitled to for ſuch damage by the laws now in being.

But liable for any damage.

X. Provided alſo, That all lords of manors and other royalties ſhall have and enjoy the ſame rights and privileges concerning the game within their reſpective manors or royalties as fully and amply in every particular, as if this act had never been made.

Saving rights of lords of manors and royalties.

A. D. 1763. Chap. 23.

Partridge or quail not taken from 1ſt Feb. to 1ſt Sept.

Grouſe 1ſt Feb. to 1ſt Aug.

XI. And the better and more effectually to prevent the killing and deſtroying the game at improper times be it enacted by the authority aforeſaid, That from and after the firſt day of May one thouſand ſeven hundred and ſixty four no perſon ſhall take, kill, or deſtroy any partridge or quail from the firſt of February to the firſt of September in each year, or any grouſe from the firſt day of February to the firſt day of Auguſt in any year.

10l. penalty every bird taken, killed, ſold or expoſed, or bought,

XII. And be it enacted by the authority aforeſaid, That every perſon, who ſhall take, kill, or deſtroy, or who ſhall ſell or expoſe to ſale, or who ſhall buy or cauſe to be bought, any partridge, quail, or grouſe, within the reſpective times before mentioned, ſhall for every partridge, quail, or grouſe ſo taken, killed, or deſtroyed, ſold, expoſed to ſale, or bought, forfeit ten pounds for every offence, to be levied by diſtreſs and ſale of the goods of the offender, and in caſe of inſolvency the party offending ſhall ſuffer impriſonment for three months.

on inſolveney 3 months impriſonment.

Hares not bought or ſold from 1ſt *M. in Nov. and* 1ſt *do. in July.* 26 *G.* 3 33. Penalty 5l. each.

XIII. And be it enacted by the authority aforeſaid, That no perſon ſhall within the time aforeſaid buy or cauſe to be bought, ſell or expoſe to ſale, any hare from the firſt day of February to the firſt day of October in any year, under the penalty of five pounds for each hare ſo bought or ſold, to be recovered as herein after directed.

Penalty 20s. on higler, carrier, or ſtage-coachman for every partridge, quail, grouſe, or hare within the times prohibited.

XIV. And be it further enacted by the authority aforeſaid, That every higler, common carrier, or ſtage coachman, in whoſe poſſeſſion any partridge or quail ſhall be found after the firſt day of May one thouſand ſeven hundred and ſixty four at any time between the firſt of February and the firſt of September in each year, or in whoſe poſſeſſion any grouſe ſhall be found after the firſt day of May one thouſand ſeven hundred and ſixty four at any time between the firſt day of February and the firſt day of Auguſt in each year, or in whoſe poſſeſſion any hare ſhall be found after the firſt day of May one thouſand ſeven hundred and ſixty four at any time between the firſt day of February and the firſt day of October in each year, ſhall forfeit for every ſuch partridge, quail, grouſe, and hare, twenty ſhillings, to be recovered as herein after is directed.

Determined on 1 witneſs or confeſſion before a juſtice where offence committed, or offender found.

XV. And be it enacted by the authority aforeſaid, That all offences againſt this act ſhall be enquired into and determined either by the oath of one credible witneſs or by the confeſſion of the parties accuſed before any one juſtice of the peace for the county, where the offence ſhall be committed, or where the offender ſhall be found; and ſuch juſtice is hereby impowered to iſſue his warrant for the diſtraining and ſale of the goods of the party

party offending in order to raiſe the penalty aforeſaid, or if he ſhall be inſolvent, for committing the party for the time before limitted to the county gaol. A. D. 1763. Chap. 23.

Forfeitures to informer or proſecutor.

XVI. And be it enacted by the authority aforeſaid, That all forfeitures to be incurred for any offence, to be committed againſt this act, ſhall, when recovered, be paid to the informer or proſecutor.

A juſtice on information of dogs of diſqualified perſons killing game, biting ſheep or horſes, or proving any nuſance, may ſummon owners, and iſſue warrant to deſtroy.

XVII. And be it further enacted by the authority aforeſaid, That from and after the firſt day of May in the year one thouſand ſeven hundred and ſixty four where any dog or dogs of whatſoever ſpecies, belonging to any perſon or perſons not legally qualified or authorized to keep ſetting dogs or hounds, ſhall be known to deſtroy any ſort of game, or to kill or wound ſheep, or to bite horſes to the annoyance of travellers on the highways, or which in any other reſpect prove a nuſance, on information thereof given upon the oath of one credible witneſs before a juſtice of the peace for the county where ſuch dog or dogs ſhall happen to be, it ſhall and may be lawful for ſuch juſtice to ſummon the owner of ſuch dog or dogs to appear before him, and after a full inquiry to iſſue his warrant for deſtroying ſuch dog or dogs as ſhall be informed againſt, in caſe he ſhall ſee ſufficient cauſe for the ſame, but not otherwiſe.

Further remedy for any damage by ſuch dog.

XVIII. Provided nevertheleſs, That nothing herein contained ſhall prevent any perſon or perſons from obtaining ſuch further or other redreſs for any damage, which he or they ſhall ſuſtain by means of any ſuch dog or dogs, as he or they may be intitled to by the laws already in force.

Continuance by 5 G. 3. 15. & 7 G. 3. 20. ſ. 2. to 24 June 1789. by 17 & 18 G. 3. c. 36 ſ. 6. to 24 June 1800 by 19 & 20 G. 3. c. 14. ſ. 9. to 24 June 1787, by 21 & 22 G. 3. c. 40.

XIX. Provided alſo, That this act ſhall continue in force for two years from the firſt day of May one thouſand ſeven hundred and ſixty four, and from thence to the end of the then next ſeſſion of Parliament.

A. D. 1763.

CHAP. XXIV.

An Act for the Encouragement of the Fiſheries of this Kingdom.

Repealed by 25 G. 3. c. 35. ſ. 1.

WHEREAS the carrying on and improvement of the fiſheries on the ſeveral coaſts of this kingdom may be of great advantage to the trade and navigation thereof, and may be a means of employing and providing for great numbers of induſtrious poor, and improvement of his Majeſty's revenue, and a nurſery for ſeamen for the navy of Great Britain, and may likewiſe be a means of preventing the great number of French ſhips and fiſhing boats, which frequently fiſh upon the coaſts of this kingdom: therefore for the encouragement of ſuch perſons as are willing to build buſſes or other veſſels, fit for fiſhing in deep water, and ſalting ſuch fiſh on board as ſhall be taken, be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal, and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That a bounty of twenty ſhillings *per* ton ſhall be paid annually out of his Majeſty's revenues under the management of the commiſſioners of the revenue to the owner or owners of ſuch veſſels or their agents, as ſhall hereafter be built in Great Britain or Ireland and manned and navigated as by the laws now in force is directed, and hereafter more particularly deſcribed, for fiſhing on the coaſts of this kingdom; and that every ſuch buſs or veſſel, that ſhall be employed in the ſaid fiſheries, or whoſe owners ſhall be entitled to the ſaid bounty of twenty ſhillings *per* ton by virtue of this act, ſhall be a decked buſs or veſſel, built in Great Britain or Ireland after the commencement of this act, not under the burthen of twenty tons, nor ſhall the ſaid bounty be paid for more than one hundred tons burthen, and ſhall proceed on the ſaid fiſheries from ſome port in Ireland; and before ſuch buſs or veſſel proceed on ſuch voyage, or be intitled to the benefit of this act, ſhe ſhall be viſited by ſuch officer or officers of the revenue belonging to ſuch port, who ſhall be appointed by the commiſſioners of his Majeſty's revenue, or any three or more of them, to examine into ſuch buſs or veſſel, and who ſhall take an account of the tonnage thereof by admeaſurement, and ſhall certify ſuch his or their viſitation, examination, and admeaſurement to the commiſſioners of his Majeſty's revenue, and that ſhe is a proper veſſel to be employed in the ſaid fiſhery; and upon its further appearing by the oath of one or more owner or owners, or their agent,

5 G. 3. 7 ſect. 2.

and of the maſter or chief officer of ſuch buſs or veſſel, written at the foot of the ſaid certificate, and made before the collector or comptroller of ſuch port, (who are hereby reſpectively impowered and required to adminiſter the ſame) that it is really and truly their firm purpoſe and determined reſolution, that ſuch buſs or veſſel ſhall proceed well manned, furniſhed, and accoutred, to fiſh upon ſome one or more of the coaſts of this kingdom, or within thirty five leagues of the ſame, and that a journal ſhall be kept of all their proceedings, and an account of the quantities of fiſh which ſhall be taken on each voyage; and if after ſuch certificate had and oath made as aforeſaid the owner or owners, maſter, or chief officer of ſuch buſs or veſſel, do produce the journal of their proceedings at the end of each voyage, atteſted by the oath of the maſter or chief officer of ſuch buſs or veſſel, to prove that ſhe was employed in the ſaid fiſhery during the ſeaſon, then all ſuch requiſites being fully performed ſhall entitle the owner or owners to the ſaid bounty.

II. And be it further enacted by the authority aforeſaid, That no nets ſhall be ſhot or wet for the taking of herrings in the day time under a penalty of five pounds, to be recovered againſt the owner or owners of ſuch net, or of the ſaid buſs or veſſel, and to be levied by diſtreſs and ſale of his or their goods, and chattles by warrant under the hand and ſeal of a juſtice of peace of the county, wherein the party or parties do reſide, and before whom the offence ſhall be proved by confeſſion or the oath of two credible witneſſes; which ſaid penalty when recovered ſhall be applied in manner following; (that is to ſay) one moiety thereof to the uſe of the poor of the pariſh, where the perſon or perſons ſo forfeiting ſhall reſide, and the other moiety to the uſe of the perſon or perſons who ſhall ſue for the ſame.

III. And be it further enacted by the authority aforeſaid, That no nets ſhall be ſhot, nor any boats go out to look for fiſh, from ſun ſet on any Saturday night until after ſun ſet on Sunday night immediately following under the like penalty of five pounds, to be recovered and applied in like manner as herein before is mentioned.

IV. And be it further enacted by the authority aforeſaid, That if any number of perſons ſhall enter into a partnerſhip, or ſhall hereafter be incorporated by charter, or otherwiſe, for carrying on a fiſhery on the coaſts of this kingdom by common ſtock or ſubſcription, and that any of the partners, his, her, or their executors or adminiſtrators, ſhall refuſe or neglect to pay his, her, or their proportion of ſuch ſum or ſums of money, as ſhall be called for by the majority of the partners in ſuch common ſtock or ſubſcription, at the times when the ſame ſhall be appointed to be paid, notice of ſuch call being given in the Dublin Gazette by the majority of the ſaid

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partners at leaſt thirty days before the day appointed for ſuch payment, it ſhall be lawful for the majority of ſuch acting part of the ſaid company to ſell and diſpoſe of ſo much of the ſhare or ſtock of the perſon or perſons ſo neglecting or refuſing, as ſhall produce the ſum, which ſuch perſon or perſons ought to have paid on ſuch call, and, if any overplus ſhall remain, to pay the ſame to the right owner or owners thereof; and that it ſhall alſo be lawful for the ſaid acting majority, if ſo minded, to compel the payment by action of debt, plaint, or bill in any of his Majeſty's courts of law, to be laid or brought in the name of the ſaid company or the governor thereof againſt the ſubſcribers, their executors and adminiſtrators, of all ſums which ſhall be ſubſcribed to the ſaid fiſhery, or ſuch part thereof as the acting part of the ſaid company ſhall think proper to call in upon a written notice, ſerved upon the ſubſcribing party, of the ſum ſo called for, and not paid within one month after the ſame had been due, as if the ſaid ſubſcribers had paſſed their ſeveral bonds for the ſame.

V. And be it further enacted by the authority aforeſaid, That for an encouragement to all perſons whatſoever, as well bodies politick and corporate as others, ſhall engage in the ſaid fiſheries, there ſhall be paid out of his Majeſty's revenue under the management of the commiſſioners of the revenue a bounty
5 G. 3. 7. of two ſhillings for every barrel containing thirty two gallons, wherein good, ſound, and well cured white herrings ſhall be packed, upon the exportation thereof; a bounty of two ſhillings and ſixpence on every barrel of the ſame contents, wherein good, ſound, and well cured mackerell ſhall be packed, upon exportation; a bounty of five ſhillings for every ſix ſcore of lyng, taken on the coaſts of this kingdom, upon the exportation thereof; a bounty of three ſhillings for every ſix ſcore of hake, haddock, glaſſing, otherwiſe coal fiſh, and conger eel, taken on the coaſts of this kingdom, upon the exportation thereof; a bounty of four ſhillings and three pence farthing for every tierce, containing forty one gallons, and ſo in proportion, wherein wet fiſh well cured ſhall be packed, upon exportation thereof; a bounty of three pounds per ton for oil extracted from whales, and thirty ſhillings *per* ton or oil extracted from other fiſh on the coaſts of this kingdom, and manufactured therein; a bounty of four pound a hundred weight for all fins of whales, commonly called whale bone, taken on the coaſts of this kingdom, and manufactured therein.

VI. And whereas there is reaſon to apprehend, that whales may be prevented from frequenting the coaſts by perſons conſtantly ſhooting at them from ſmall boats: be it enacted by the authority aforeſaid, That if any perſon or perſons in ſmall veſ-

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ſels not decked, and not belonging to ſome ſhip actually employed in the whale fiſhery, ſhall ſhoot from guns at any whales, they ſhall for every ſuch offence forfeit to his Majeſty the boat, in which ſuch offence was committed, together with the penalty of twenty pounds, to be recovered and applied as aforeſaid.

VII. And to prevent any diſputes which may ariſe, whether a veſſel be properly qualified and duly fitted out for carrying on a fiſhery according to the true intent and meaning of this act, and intitled to ſuch certificate, as herein before is mentioned, from the cuſtom-houſe officers, be it enacted by the authority aforeſaid, That every ſuch veſſel ſhall be a decked veſſel, built in Great Britain or Ireland after the commencement of this act, and, if but of twenty tons ſhall have not leſs than ſix men on board, and if of greater burthen ſhall over and above the ſix men aforeſaid have one man for every eight tons, which ſhall exceed twenty tons burthen.

VIII. And be it further enacted by the authority aforeſaid, That on return of ſuch buſs or veſſel into any port of Ireland for her diſcharge the chief officer of the cuſtoms, or ſuch other officer of the cuſtoms as he ſhall appoint at ſuch port, ſhall immediately repair on board ſuch buſs or veſſel, and view the condition of ſuch veſſel, and her lading, and to certify the ſame together with their obſervations thereon, and alſo the real tunnage of the ſaid buſs or veſſel; and the ſaid officers are alſo to take an account of the names of the maſter and other perſons on board, and to certify the ſame; and the maſter ſhall make oath before the collector or comptroller of ſuch port, (who are hereby reſpectively impowered and required to adminiſter the ſame) that ſuch veſſel went out to ſea on purpoſe for fiſhing, and for no other purpoſe whatſoever, and was not on any other voyage, except for the diſpoſal of ſuch fiſh as ſhe had caught, and for any freight ſhe may bring in return for the ſame, nor purſued any other deſign or view of profit; and that the veſſel and crew did remain fiſhing for ſuch a length of time, as ſhall be ſpecified in ſaid affidavit, according to the directions of this act, and the number of men herein before directed to be on board the ſaid veſſel, and ſhall likewiſe produce to the officer of the cuſtoms at ſuch port a journal of their proceedings at ſea, atteſted by the oath of the ſaid maſter or other chief officer on board ſuch veſſel, that the ſame contains a true account of all their proceedings; all which certificate, journal, and oath, together with a true account of the quantity and the particular ſpecies of fiſh, taken by the ſaid veſſel, ſhall be tranſmitted by the collector or comptroller of ſuch port to the commiſſioners

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of his Majeſty's revenue; and the ſaid commiſſioners, being fully ſatisfied of the faithful dealings and tranſactions of the ſaid maſter and other perſons employed in ſuch veſſels with reſpect to ſuch voyage and fiſhing, ſhall on demand cauſe payment to be made of the reſpective bounties herein before directed to be made to the owner or owners of ſuch buſſes or veſſels, or to his or their aſſigns, out of his Majeſty's revenue under their management, and ſhall direct, that a particular and diſtinct account be kept of the ſame.

IX. And be it further enacted by the authority aforeſaid, That the owners of ſuch fiſh, as ſhall be taken according to the directions of this act, ſhall on making a due entry at the cuſtom-houſe and ſhipping the ſame for exportation depoſe on oath the port they are deſigned for; and ſhall alſo become bound with two ſufficient ſureties unto his Majeſty, his heirs and ſucceſſors, in the penalty of ſuch ſum, as ſhall be equal to treble the bounty on the tonnage of his veſſel intended by this act, and alſo treble the value of ſuch bounties as he or they ſhall receive or be intitled to by virtue of this act, conditioned not to reland the fiſh, intended to be exported, in any port, haven, or creek, or other place in Ireland, unleſs in caſe of diſtreſs, which ſhall be immediately made known to ſome one or more of the officers of the cuſtoms of the port, neareſt to where ſuch veſſel ſhall be ſtranded; which bond the collector of the port is hereby required to take; and the ſaid bonds are thereby declared to be good and valid in the law for the ſums reſpectively contained therein, and ſhall be in force for the ſpace of three years againſt the obligors therein mentioned, their heirs, executors, and adminiſtrators.

X. And for preventing any frauds that may be attempted by claiming any of the aforeſaid bounties for any fiſh carried to foreign markets, which have not been caught upon the coaſts of this kingdom within the diſtances herein before deſcribed, be it enacted by the authority aforeſaid, That no owner or owners of any ſuch fiſh ſhall be intitled to any of the bounties aforeſaid unleſs ſuch fiſh, for which ſuch bounties ſhall be claimed, ſhall be proved by ſufficient affidavits, made before the collector or other principal officer of ſome port in this kingdom, (which oath the ſaid officer and officers are hereby impowered to adminiſter) to have been caught upon the coaſts of this kingdom within the diſtances herein before deſcribed; and the ſaid collector or other officer ſhall then certify under his hand, that the ſaid fiſh was firſt landed in and then exported from the ſaid port

of this kingdom; in which certificate ſhall be ſpecified the quantity and quality of the fiſh ſo exported, and then and in that caſe the affidavit of ſuch foreign merchant to whom the veſſel was conſigned, made before the chief magiſtrate of the port where he reſides, or a Britiſh conſul in caſe any ſuch there be there, ſpecifying particularly the quantity and ſpecies of fiſh landed at ſuch foreign market, together with the affidavit of the maſter or other chief officer of ſuch veſſel on her return to Ireland, made before the collector or comptroller of the port where ſhe ſhall arrive, (who are hereby reſpectively impowered and required to adminiſter the ſame) that he was preſent, and did ſee the foreign merchant (mentioning his name) ſign and ſwear the ſaid affidavit before the chief magiſtrate of the foreign port, or Britiſh conſul reſiding there, and upon delivering to the collector of the port in Ireland, where ſuch veſſel ſhall arrive, the ſaid two affidavits, and performing all other the directions of this act, intitle the owners to the ſeveral bounties reſpectively mentioned. A. D. 1763.

XI. Provided always, That the bounties hereby allowed and given on conforming to the regulations aforeſaid, ſhall be paid during the ſpace of ſix years from the commencement of this act, and no longer. 5 G. 3. 7. ſec. 8.

XII. Provided alſo, That nothing in this act ſhall extend or be conſtrued to extend to exclude any of his Majeſty's ſubjects from fiſhing, or carrying on the white herring and other fiſheries in ſuch manner, as they might have done, in caſe this act had never been made.

CHAP. XXV.

An Act to amend and explain an Act made in the thirty third Year of the reign of Henry the eighth, intituled, *An Act for tithes, and for other Purpoſes therein mentioned.*

WHEREAS by an act of Parliament made in this kingdom in the thirty third year of the reign of King Henry the eighth, intituled, *An act for tythes*, it is amongſt other things enacted, "That all and ſingular perſons of this land, of what eſtate, degree, or condition ſoever they be, ſhall fully, truly, and effectually divide, ſet out, yield, or pay all and ſingular tythes and offerings according to the lawful cuſtoms and uſages of the parochs and places, where ſuch tithes or duties ſhall grow, ariſe, and become due:" and whereas the good intentions of the ſaid act have been in a great meaſure defeated by the frauds of the perſons, who ought to pay ſuch tithes, in not giving reaſonable notice to the perſons intitled to 33 H. 8. 12. ſ. 1.

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receive the ſame, and other contrivances, when notice has been given, and the perſons attending to receive ſuch tithes purſuant thereto: be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That every owner of corn, hay, or peas, or beans (except peas or beans which grow in gardens) ſhall, before he ſhall remove the ſaid corn, hay, or peaſe, or beans, give notice in writing to the perſon intitled to receive ſuch tithes, or his known proctor or manager, of the time of ſetting out ſuch tithes forty eight hours at leaſt before ſuch intended time of ſetting out the ſame; which notice ſhall be delivered to the perſon ſo intitled to receive ſuch tithes, or his known proctor or manager, or, in caſe neither of them can be found at his houſe or uſual place of abode within the ſaid pariſh, ſuch notice ſhall be given to ſome perſon living in ſuch houſe, who is above the age of ſixteen years; and that all perſons, who give ſuch notice, ſhall without fraud, covin, or wilful delay, truly and effectually divide, ſet out, and deliver ſuch tithes to the perſons intitled to receive the ſame, who ſhall attend for that purpoſe purſuant to ſuch notice; and that it ſhall be lawful for the perſons receiving ſuch tithes to make the ſame in ſtacks or otherwiſe on the field, where the ſame grew, where the ſame may remain and be preſerved, ſo long as the reſt or any part of the reſt of the corn, hay, or other things ſhall remain on the ſaid field undrawn by the owner.

Notice in writing of the time of ſetting out tithes of corn, hay, peaſe, or beans (ſave in gardens) to be given 48 hours before to perſon intitled, or proctor or manager, or ſomebody living in the houſe in the pariſh above 16.

ſuch tithes without fraud or delay ſet out and delivered,

may be made in ſtacks or otherwiſe on the field,

and remain and be preſerved, ſo long as any part of the reſt undrawn.

II. Provided always, That if the perſon intitled to receive the ſaid tithes, or his known manager or proctor, have no place of reſidence in the ſaid pariſh, or, if many pariſhes be united by virtue of any union, in one of the ſaid united pariſhes, that then and in ſuch caſe it ſhall be ſufficient to give the ſaid notice of the time of ſetting out the tithes by affixing the ſame on the door of the pariſh church forty eight hours before the time of ſetting out the ſaid tithes.

If not reſident in the pariſh or union, ſaid notice fixed on the church-door.

III. And whereas the clergy in ſuits for ſubtraction of predial tithes are unneceſſarily put to great trouble and expence in producing witneſſes to prove their induction and other qualification in caſes, where there is no diſpute, who the incumbent is: for the prevention of ſuch delays and expences be it enacted by the authority aforeſaid, That it ſhall be ſufficient for every eccleſiaſtical perſon or lay impropriator in any ſuit for the ſubſtraction of predial tithes to prove, that ſuch perſon was and is reputed to be an incumbent or impropriator of ſuch pariſh, and had acted as ſuch at or before the time, the right of the tithes

In ſuit for ſubſtraction of predial tithes incumbent or impropriator need only prove being reputed and acting as ſuch unleſs his title controverted.

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ſued for accrued, without producing or proving any other title; except the title of the perſon promoting ſuch ſuit ſhall be controverted, and it ſhall be pleaded by the party ſo ſued in ſuch cauſes, that the perſon proſecuting ſuch ſuit is not the true and legal incumbent or impropriator.

On non-appearance the 1ſt citation, and proof of ſervice, another iſſued, and in 30 days after proof of ſervice the judge may proceed, as if the party excommunicated.

IV. And whereas by the preſent method of proceeding in the eccleſiaſtical courts in ſuits for ſubſtraction of predial tithes the parties cited in ſuch cauſes are put often to great expences in excommunicating them for contempt in not appearing, and the perſons promoting ſuch ſuits are delayed in the proſecution thereof: be it enacted by the authority aforeſaid, That for the future in all caſe of ſubſtraction of predial tithes, where the perſons cited ſhall not appear purſuant to the firſt citation, the judge of the court ſhall upon the return of ſuch citation, and due proof made of the ſervice thereof upon oath in writing on the back of or annexed to ſuch citation, decree one other proceſs or citation to iſſue againſt ſuch perſon, reciting ſuch former citation, and intimating that whether he ſhall appear or contumaciouſly abſent himſelf, that he the ſaid judge will nevertheleſs proceed to hear and determine ſuch cauſe the abſence or contumacy of ſuch perſon notwithſtanding; and it ſhall and may be lawful for ſuch judge to proceed to hear and determine ſuch cauſes in thirty days after due proof, made before him on oath, of the due ſervice of ſuch ſecond proceſs or citation, as before mentioned, in ſuch manner as if the perſon ſo cited had been excommunicated for ſuch his contempt in not appearing.

But appearance entered before the next court-day or 30 days after, ſufficient.

V. Provided always, That the parties ſo cited entring an appearance either by himſelf or his proctor in the regiſtry of the court, into which he is cited, any time before the court day next following the day appointed for his appearance in ſuch citation, or thirty days after ſuch court day, ſhall be deemed and taken to be a ſufficient appearance for the ſaid party, and for the judge of the ſaid court to proceed on ſuch cauſe.

33 *H.* 8. 12. *ſec.* 1.

VI. And whereas it is by the ſaid act made in this kingdom, in the thirty third year of the reign of Henry the eighth further enacted, "That in every cauſe or matter for detaining or withholding tithes or offerings the judge, having their parties or their lawful procurators before him, ſhall and may proceed to the examination, hearing, and determining of every ſuch cauſe or matter ordinarily or ſummarily according to the courſe of the King's eccleſiaſtical laws: and whereas notwithſtanding the ſaid law ſuits for predial tithes are carried on in the eccleſiaſtical court in a plenary manner to the great trouble and expence of the perſon ſo ſued, and often for very ſmall ſums of money: be it enacted by the authority aforeſaid, That the eccleſiaſtical

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judge in all cauſes for ſubſtraction of predial tithes, when the right to them is not controverted, ſhall when a libel is given in and iſſue joined, or in pain of the contempt of the party cited, in caſe of his non appearance after the ſervice of ſuch citations as are herein before mentioned, and due proof made thereof, at the petition of either of the parties proceed to hear and determine ſuch cauſes and matters in a ſummary manner by examination of witneſſes *viva voce*, and ſuch other legal proofs as ſhall be offered to him, and proceed thereupon to give final ſentence in the ſame.

Subſtraction of predial tithes, when the right controverted, determined ſummarily, and final ſentence.

33 *H.* 8. 12. *ſec.* 2.

VII. And whereas it is by the ſaid in part recited act further enacted, "That if any ſuch perſon or perſons after ſentence definitive given againſt them obſtinately and wilfully refuſe to pay their tithes, or duties, or ſuch ſums of money ſo adjudged, wherein they be condemned for the ſame, that then two juſtices of the peace for the ſame ſhire, whereof one to be of the *quorum*, ſhall have authority by this act upon information, certificate, or complaint to them made in writing by the ſaid eccleſiaſtical judge, that gave the ſaid ſentence, to cauſe the party ſo refuſed to be attached and committed to the next gaol, and there to remain without bail or mainprize, till he or they ſhall have found ſufficient ſecurities to be bound by recognizance or otherwiſe to the King to perform the ſame definitive ſentence or judgment:" and whereas the ſtrict execution of the ſaid clauſe would be very inconvenient to the juſtices of the peace, who muſt meet to grant ſuch warrants, and alſo to the perſons who are to be ſo attached: be it enacted by the authority aforeſaid, That for the future no ſuch attachment or committal ſhall be made by ſuch juſtices of the peace: but where any perſon or perſons are condemned in any ſum or ſums of money for predial tithes or coſts of ſuit in any ſuch cauſe, and the party ſo condemned ſhall refuſe or neglect after ſervice of a monition for that purpoſe from the court, where ſuch ſentence is or ſhall be given, and proof made upon oath of the due ſervice thereof by the ſpace of fifteen days after ſuch ſervice, to ſatisfy and pay to the party obtaining ſuch ſentence ſuch ſum or ſums, as ſhall be ſo decreed, it ſhall and may be lawful for the perſon or perſons, ſo obtaining ſuch ſentence or ſentences, to ſue for the money ſo decreed by civil bill before the next going judges of aſſize for the county, where the party, againſt whom ſuch ſentence was pronounced, ſhall reſide, or in any other court where civil bills are or ſhall be allowed to be brought, in ſuch manner as ſuits by civil bills are now allowed to be brought, ſo as the ſame do not exceed the ſum of twenty pounds; and a true copy of ſuch monition under the ſeal of the court, from whence the ſame iſſued, and proof upon oath of the due ſervice thereof fifteen days at leaſt

No attachment or committal purſuant thereto.

On refuſal to pay after ſervice of monition for ſum decreed liberty to ſue by civil bill, ſo as not above 20l.

Copy of monition under ſeal of the court, and proof of ſer-

before the time of hearing ſuch civil bill, ſhall be judged ſufficient and concluſive evidence of the ſum due; and the party obtaining a decree in ſuch ſuit, ſhall be intitled to ſuch execution and proceſs, with the uſal coſts of civil bills. A. D. 1763. Chap. 25.

vice 15 days before concluſive evidence.

VIII. Provided, That all perſons ſhall be intitled to appeal from ſuch ſentences in ſuch eccleſiaſtical courts, upon ſuch terms, and in ſuch manner, as they might heretofore have done ſince the making of the ſaid act made in the thirty third year of the reign of Henry the eighth.

Appeal as heretofore.

IX. Provided alſo, That if it ſhall appear to ſuch judge of aſſize, that the matter is of eccleſiaſtical cognizance, that it ſhall be lawful for any defendant, ſued by civil bill under this act, to give in evidence any matter or thing ſubſequent to the ſentence in the eccleſiaſtical court, which may be ſufficient, either in law or equity to diſcharge him of the whole or any part of the ſum or ſums decreed againſt him by the ſaid ſentence.

But defendant may in diſcharge give in evidence any thing ſubſequent to the ſentence.

X. Provided alſo, That the ſaid court ſhall be a court of equity to the defendant, ſo as to enable the defendant to examine the plaintiff, or his known proctor or manager, upon oath, upon giving reaſonable notice to the plaintiff or ſuch proctor, that his attendance is expected at the hearing of ſuch civil bill.

A court of equity to defendant, who may on notice examine on oath the plaintiff or his proctor.

XI. Provided alſo, That nothing herein contained ſhall extend, or be conſtrued to extend, to give or confirm a right in the incumbent or any to any ſpecies of tithes, to which he is not already intitled by law or equity.

Not to confirm right to tithes, to which not already intitled.

XII. Provided alſo, That this act ſhall be and remain in force for two years from the twenty fourth day of June one thouſand ſeven hundred and ſixty four, and to the end of the then next ſeſſion of Parliament.

Continuance 2 years, &c. from 24 June 1764.

A. D. 1763.

CHAP. XXVI.

An Act for confirming the Titles, and for quieting the Poſſeſſions of Proteſtants; and for giving Time to Converts from Popery to perform the Requiſites of Conformity preſcribed by the Laws againſt Popery.

WHEREAS many families in this kingdom now are, and for many years paſt have been, in the quiet and undiſturbed poſſeſſion of eſtates formerly the eſtates of perſons profeſſing the popiſh religion, and therefore may on account of the gavelling clauſe in the act of the ſecond year of the reign of Queen Anne, and of other clauſes in that act, and alſo in the act of the eighth year of the reign of Queen Anne, be hereafter diſturbed by dormant rights claimed by force, and under colour of the ſaid acts, whereby the titles of his Majeſty's proteſtant ſubjects are rendered inſecure: we therefore your Majeſty's moſt dutiful and loyal ſubjects, the commons of Ireland in Parliament aſſembled, do moſt humbly beſeech your Majeſty, that it may be enacted, and be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the title, poſſeſſion, eſtate, or intereſt of any proteſtant in or to any meſſuages, lands, tenements, or hereditaments in this kingdom, ſhall not be avoided or impeached by the aid of the laws made in this kingdom to prevent the growth of popery, or by the aid of any of the ſaid laws, by means or by colour of any right or pretended right, which accrued twenty years before the firſt day of the preſent ſeſſion of Parliament, if no ſuit has been commenced or proſecuted within that time claiming ſuch right; and if ſome perſon or perſons of full age, of ſound memory, out of priſon, in this kingdom, and diſcovert (the right being in a woman) hath been in being ſome time within twenty years before the firſt of the preſent ſeſſion of Parliament, or before the commencement of twenty years before the firſt day of the preſent ſeſſion of Parliament, who might have ſued for ſuch right.

2 *Anne* 6. ſ. 10, &c.

8 *Anne* 3.

Title, poſſeſſion, eſtate, or intereſt of proteſtant not impeached by aid of the popery laws on any right accrued 20 years before 1ſt of this ſeſſion, if no ſuit in that time, and ſome perſon in being who might have ſued.

II. And whereas many of his Majeſty's proteſtant ſubjects of this kingdom have become intitled to very conſiderable eſtates by, from, and under divers perſons, who were of the popiſh religion, and who became converts to the eſtabliſhed church, or who have been reputed proteſtants or converts, and who nevertheleſs

Nor impeached if derived by purchaſe from a convert or reputed convert, or reputed proteſtant.

A. D. 1763.

nevertheleſs omitted to perform thoſe requiſites, preſcribed by the laws made in this kingdm to prevent the growth of popery, in the caſe of perſons conforming from popery to the eſtabliſhed church: be it therefore further enacted by the authority aforeſaid, That the title, eſtate, or intereſt of any proteſtant to any meſſuages, lands, tenements, or hereditaments in this kingdom, heretofore derived by purchaſe from any convert, or reputed convert from popery, or from any reputed proteſtant, ſhall not be avoided or impeached by the aid of any of the ſaid laws.

Profeſſing and continuing proteſtants after biſhop's certificate, and performing all other legal requiſites before 1 Dec. 1765, deemed proteſtants to all intents from time of conformity. *enlarged to* 1 *Dec.* 1767, *by* 5 *G.* 3. 15. *ſ.* 5. *to* 1 *Dec* 1768 *by* 7 *G.* 3. 20. *ſ.* 7. *to* 24 *June* 1790, 17 & 18 *G.* 3. *c.* 36. *ſ.* 9. *and to* 1791, 19 & 20 *G.* 3. *c.* 14. *ſ.* 2.

III. And be it further enacted by the authority aforeſaid, That all ſuch perſon or perſons, as have heretofore obtained the biſhop's certificate of their conformity, and from and after the obtaining the ſame have profeſſed the proteſtant religion, and have continued proteſtants, and have not performed all the other legal requiſites of conformity, and ſhall perform the ſame before the firſt day of December in the year one thouſand ſeven hundred and ſixty five, ſhall from the time of his, her, or their conformity from the popiſh to the proteſtant religion, be deemed and taken to be proteſtants of the eſtabliſhed church, to all intents and purpurpoſes.

Not to affect judgment, decree, or ſuit depending, on the popery laws duly proſecuted.

IV. Provided always, That nothing herein contained ſhall barr, defeat, or prejudice any judgment or decree, heretofore obtained by any perſon or perſons whatſoever, in any court of law or equity, or any ſuit now depending, grounded upon the popery laws, which hath been duly proceeded upon.

CHAP. XXVII.

An Act to amend and continue an Act, intituled, *An Act to prevent the exceſſive Price of Coals in the City of Dublin.*

1 *G.* 3. 10. continued till 1769, &c. *extended to Cork*, 5 *G.* 3. 15. *continued* 7 *G.* 3. 20. *ſ.* 14. 19 & 20 *G.* 3. *c.* 14. *ſ.* 10. *and to* 24 *June* 1806, *by* 25 *G.* 3. *c.* 54. *ſ.* 2.

WHEREAS an act of Parliament made in this kingdom, intituled, *An act to prevent the exceſſive price of coals in the city of Dublin*, has been found by experience to be a uſeful law: be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal, and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſame be continued till the year one thouſand ſeven hundred and ſixty nine, and from thence till the end of the then next ſeſſion of Parliament, with the following amendments.

When coals in Dublin above 18s. the tun, the publick yards

II. Be it enacted by the authority aforeſaid, That from and after the twenty fifth day of March next, whenever and as often as it ſhall happen, that the price of coals in the city of Dub-

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lin shall exceed the price or rate of eighteen shillings the ton, that the publick coal-yard or coal-yards, in case there shall be more than one, shall be kept open from the hour of ten in the morning till four in the afternoon on every day, Sunday and Christmas day only excepted, during which time the director and his clerk shall duly and closely attend the said coal-yard or coal-yards; and in case the said director shall wilfully neglect such his attendance, or in case the said director or comptroller shall wilfully neglect in any respect his or their duty, that the said director and comptroller, and each of them, shall forfeit for every such offence the sum of ten pounds to be recovered in a summary way by civil bill, to be brought before the recorder of the city of Dublin, pursuant to the statute in that case made and provided; the sum so to be recovered to be to the use of such person who shall first sue for the same, such person first making oath before the said recorder (which oath he is hereby impowered and required to administer) that such civil bill was not brought directly or indirectly in trust for the said director or comptroller.

open from 10 till 4 (except Christmas and Sunday) the director and clerk to attend closely;

penalty on director and comptroller for neglect 10l. each, by civil bill before recorder, to first prosecutor, on oath of not in trust for director or comptroller.

III. Provided always, That such civil bill shall be brought within three months after such offence committed.

In 3 months,

IV. And be it enacted by the authority aforesaid, That in case a decree shall be obtained against such director or comptroller, for not attending or for neglecting his said office, that in every such case the office of such director or comptroller shall be null and void, to all intents and purposes, from the time of obtaining such decree, unless there shall be an appeal from such decree, and then from the time of affirming the said decree, in case the same shall be affirmed.

The office void from the decree, or affirming it on appeal.

V. And be it enacted by the authority aforesaid, That the lord lieutenant, or other civil governor or chief governors of this kingdom, for the time being, shall appoint some other person in the place of the director or comptroller, whose office shall be so vacated as aforesaid.

Another appointed by C. Governor.

VI. And be it declared and enacted by the authority aforesaid, That the security by the said act required from the said director and comptroller, shall be entered into by them respectively before the lord mayor of the city of Dublin.

Security before lord mayor.

VII. And be it enacted by the authority aforesaid, That such security shall be entered into, on or before the first day of June next; and that in case the said director and comptroller, or either of them, shall fail or neglect to enter into such security on or before the said first day of June, or in one month after the appointment of such director or comptroller, that the place of the director or comptroller so failing or neglecting, shall

Before 1st June,

or in a month after appointment,

or the place void,

be absolutely null and void to all intents and purposes; and the lord lieutenant, or other chief governor or governors for the time being, shall appoint some other person to be comptroller or director in the place of the person so failing or neglecting.

and another appointed.

VIII. And be it enacted by the authority aforesaid, That the salaries of two hundred pounds yearly, and of thirty pounds yearly for a clerk, or sixty pounds yearly, (if it shall be found necessary to keep more than one) shall be paid to the said director, together with a sum not exceeding yearly thirty pounds to be allowed for one coal-yard, not exceeding the sum of sixty pounds yearly in case there shall be more than one; which said several salaries and sums shall be paid to the said director by half yearly payments on every first day of December and first day of June yearly by his Majesty's receiver general; to whom the receipt of the said director shall be a sufficient warrant or voucher for the payment of such sums, which shall be allowed him in his accounts.

Salaries paid to director, with a sum not above 30l. yearly for one coal-yard, 60 if more, every 1st Dec. and June,

director's receipt a voucher.

IX. And be it enacted by the authority aforesaid, That the sum of one hundred pounds yearly shall be paid to the said comptroller in the same manner and at the same times, as the sums hereby appointed to be paid to the said director; and that the receipt of such comptroller shall be a sufficient warrant or voucher for payment of the same, which shall be allowed to the said receiver general in his accounts.

100l. yearly to comptroller in like manner.

X. And be it enacted by the authority aforesaid, That the said several salaries and yearly sums shall commence and be paid from the first day of June one thousand seven hundred and sixty two, the first of the said half yearly payments to be made as for the first of December in the year one thousand seven hundred and sixty two.

Said sums from 1 June 1762.

XI. And to prevent any difficulty or loss of time in obtaining the certificates in the said act mentioned, be it enacted by the authority aforesaid, That a certificate of such import, as by the said act is directed, from any one alderman of the city of Dublin, or from either of the sheriffs of the said city for the time being, or from any minister or curate, or either of the church-wardens of any parish of the city of Dublin, or the liberties thereunto adjoining, shall be deemed sufficient.

Certificate as by 1 G. 3. 16. from any alderman, sheriff, minister, or church-warden, sufficient.

XII. And be it enacted by the authority aforesaid, That the quantity of one barrel, and no more, may be sold out of the said publick coal yard to one person in one day.

One barrel only to one person a day.

XIII. And whereas the coals deposited in the said publick coal yard or coal yards may be damaged by remaining in the said coal yards for a length of time: be it enacted by the authority aforesaid, That the said director by and with the appro-

Director with approbation of chief governor and council may sell at times and prices by

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bation of the lord lieutenant, or other chief governor or chief governors, and privy council of this kingdom, firſt had and obtained for that purpoſe, may ſell out the ſaid coals at ſuch times and at ſuch prices, as ſhall be appointed by the ſaid lord lieutenant, or the chief governor or governors, and privy council; and the money ariſing by the ſale of ſuch coals ſhall be paid into his Majeſty's treaſury.

them appointed, and pay to the treaſury.

Coal-yards and rent appointed by mayor and aldermen under hand and ſeal,

XIV. And be it enacted by the authority aforeſaid, That the lord mayor and board of aldermen ſhall from time to time by inſtrument in writing under their hands and ſeals direct and appoint, in what place or places the ſaid publick coal yard or publick coal yards (if they ſhall find it neceſſary to have more than one) ſhall be kept, and what rent ſhall be paid for the ſame, not exceeding the allowance aforeſaid; and in caſe the ſaid director ſhall after the firſt day of June next take or uſe any place as for a publick yard without ſuch appointment, he ſhall forfeit for every ſuch offence the ſum of one hundred pounds, to be recovered as aforeſaid.

penalty on director, if other place uſed, 100l.

Buying coals before arrival weſt of Ringſend, penalty 50l. by civil bill,

XV. And be it enacted by the authority aforeſaid, That if any perſon or perſons whatſoever, an inhabitant of this kingdom, ſhall buy or contract for any coals coming by ſea to be ſold in or for the city of Dublin, after ſuch coals ſhall arrive within the port or harbour of Dublin, and before they ſhall arrive weſtward of the town of Ringſend, ſuch perſon or perſons ſhall forfeit for every ſuch offence the ſum of fifty pounds, to be recovered by civil bill before the judge or judges having juriſdiction to hear and determine civil bills where ſuch offence ſhall be committed; and that all contracts for coals made or entered into contrary to the directions aforeſaid, and before ſuch coals ſhall arrive weſtward of Ringſend, ſhall be utterly void to all intents and purpoſes; and that the lord mayor of the city of Dublin, in caſe he ſhall have reaſon to ſuſpect any contracts for the buying or ſelling of coals to have been entered into contrary to the directions aforeſaid, he ſhall have power to ſummon any inhabitant or inhabitants of the city of Dublin before him, who may be able to give him information therein, and to examine ſuch inhabitant or inhabitants upon oath concerning the ſame: provided that no perſon ſo to be ſummoned and examined ſhall be compelled to anſwer any queſtions, which may tend to accuſe himſelf, or ſubject himſelf to any penalty.

ſuch contracts void,

lord mayor on ſuſpicion may ſummon inhabitants of Dublin, and examine on oath,

but not compel to accuſe himſelf.

CHAP.

A. D. 1763.

CHAP. XXVIII.

An Act for better preventing the Severities and unjuſt Exactions practiſed by Gaolers againſt their Priſoners, and for more effectually ſupporting Proſecutions at the Suit of the Crown in Caſes of Felony and Treaſon.

Enforced and amended 21 & 22 *G.* 3. *c.* 42.

WHEREAS many frauds and abuſes have been committed by gaolers exacting exorbitant fees, brewing of drink, and baking of bread (which they oblige their priſoners to take from them at their own rates) and by keeping their gaols in a filthy, unwholſome manner: and whereas many doubts have ariſen on a clauſe contained in an act of Parliament, paſſed in this kingdom in the third year of the reign of his late Majeſty King George the ſecond, intituled, *An act for continuing ſeveral temporary ſtatutes made in this kingdom, and now near expiring, and for the amendment of other ſtatutes therein mentioned*, particularly, whether the judges on their circuits are impowered to confirm preſentments made by grand juries for medicines provided for poor priſoners confined in the ſeveral gaols of this kingdom: and whereas the bread, appointed by the ſaid act to be bought for the uſe of the poor priſoners, hath been contrary to the intention thereof given indiſcriminately to all the priſoners confined in the ſaid gaols, and is often diſtributed among the ſaid priſoners by the gaoler, and not by the miniſter and curate, as directed by the ſaid act: and whereas gaolers frequently pay large ſums or engage to pay a rent to ſuch perſon or perſons, who have the power of appointing them, and thereby apprehend, they have a right to continue therein independant of the authority of the perſons ſo appointing them, and uſe every unwarrantable means to reimburſe themſelves the ſums by them paid, or the rent agreed to be paid, for the ſaid offices: be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of Auguſt one thouſand ſeven hundred and ſixty four no ſheriff, or other perſon or perſons, bodies corporate or politick, having powers to appoint a gaoler, ſhall by themſelves, or any other perſon in truſt for them, take any fee or gratuity, or reſerve any rent payable out of any ſuch gaol for ſuch appointment, under the penalty of five hundred pounds, one moiety thereof to be paid to the King, the other to the informer with full coſts of ſuit, who ſhall

3 *G.* 2. 5. *ſec.* 6. Doubts ariſing thereupon,

no fee, gratuity, or rent, payable by gaolers;

penalty 500*l*

A. D. 1763. Chap. 28.

by bill, plaint, or information in any of his Majeſty's courts of record firſt ſue for the ſame.

to the King and proſecutor, with full coſts.

II. And be it further enacted by the authority aforeſaid, That every gaoler ſhall at the next aſſizes to be held for the ſeveral counties in this kingdom, and at the next quarter ſeſſions to be held for the county of Dublin and the county of the city of Dublin, after the commencement of this act deliver a table of fees, and the price of lodging, uſe of a bed, or other charges claimed by him in or on account of his gaol, to the grand jury of the ſaid counties, or counties of cities, or counties of a town; which table ſhall be by ſuch grand jury examined, altered, and ſettled, and confirmed by the judge of the aſſize in the ſaid county, and by three of the juſtices at the quarter ſeſſions in the county of Dublin, and by the recorder in the county of the city, according to their diſcretion, and forthwith poſted by ſuch gaoler in the moſt publick place of his gaol, and likewiſe in the court and ſeſſion-houſes, and in the grand jury room, at every aſſizes and ſeſſions; the ſame to be kept fair, and renewed as often as it may be defaced; upon pain of forfeiting the ſum of forty ſhillings for every ſuch default or neglect in ſuch gaoler; to be recovered by civil bill by ſuch informer as ſhall firſt ſue for the ſame.

Table of fees and other charges delivered by gaolers to grand juries, &c. by them ſettled, and confirmed by the judge of aſſiſe, &c. poſted publickly in the gaol, court and ſeſſion houſes, and grand jury room, and renewed when defaced, penalty 40s. by civil bill to proſecutor.

Like penalty on gaoler taking other fee.

III. And be it further enacted by the authority aforeſaid, That if any gaoler ſhall take any other fee or ſum, except thoſe allowed and appointed by the ſaid table, the ſaid gaoler ſhall forfeit the ſum of forty ſhillings, to be recovered by civil bill by the informer.

No gaoler, or perſon in truſt for him, to brew or bake, or keep a ſhop for ſale of bread, beer, or liquors, penalty 5l. by civil bill to proſecutor.

IV. And whereas the miniſter and church-wardens of the reſpective pariſhes, wherein gaols lie, are frequently impoſed upon by gaolers returning names of priſoners as in their cuſtody and in want of bread, who really are not, and by baking their own bread making it of ſuch weight and ſort as they think proper: for remedy whereof be it enacted by the authority aforeſaid, That no gaoler, or any perſon in truſt for him, ſhall brew or bake in the gaol, or in the houſes hereby appointed for the uſe of the priſoners confined in the ſaid gaol, or ſhall in any place brew or bake for ſale, or keep any ſhop for the ſelling of bread, or beer, or ale, or other liquors, under the penalty of five pounds for every ſuch offence, to be recovered in the uſual manner by civil bill by the perſon who ſhall inform of and ſue for the ſame.

Miniſter or curate to buy and deliver bread weekly to priſoners in want only,

V. And be it enacted by the authority aforeſaid, That the miniſter or curate ſhall weekly deliver bread, to be by them or either of them bought upon the beſt terms that bread is uſually ſold for in the pariſh, to ſuch of the ſaid priſoners confined in gaol; as ſeem to him or them to be in want, and to no other;

and that every miniſter or curate ſhall from time to time, as he ſhall ſee occaſion, viſit and view the priſoners in gaol; and if any priſoner appears to be afflicted with ſickneſs, and to ſtand in need of medicines, the ſaid miniſter or curate is hereby impowered to employ a phyſician, apothecary, or ſurgeon, and to pay for ſuch medicines, as ſhall be by them, or either of them, preſcribed and made uſe of.

viſit and view priſoners,

and, if neceſſary, employ a phyſician, &c. and pay for medicines.

VI. And be it enacted by the authority aforeſaid, That from and after the commencement of this act, no gaoler, or any perſon employed by him, ſhall preſume on any account to keep in the ſaid gaols, or the yard or houſes adjoining thereto, and provided for the uſe of ſuch priſoners, any hogs, cows, or other cattle, under the penalty of forty ſhillings for ſuch hog, cow, or other beaſt kept in the ſaid gaol or priſon, or in the yard or houſes thereto belonging, for each day ſuch hog, cow, or other beaſt, ſhall be kept therein; the ſame to be recovered by civil bill, in the uſual manner, by any perſon who ſhall inform thereof.

No cattle kept in the gaol, yard, or houſes of priſoners,

penalty 40s. *per diem* ach beaſt,

by civil bill to informer.

VII. And whereas many infectious diſorders are daily produced by the confinement of numbers in cloſe priſons, whereunto there is no back-yard adjoining, and the lives of his Majeſty's ſubjects are endangered by the bringing of priſoners into publick ſtreets for air: be it enacted by the authority aforeſaid, That every grand jury at the aſſizes or quarter ſeſſions aforeſaid may be enabled, and they are hereby required and directed, to contract either by leaſe, or to purchaſe a piece of ground next adjoining the gaol, or as near as conveniently can be had thereto, and cauſe to be erected neceſſary houſes, and a wall ſufficient for the ſecurity of the ſaid priſoners.

Grand juries to purchaſe ground near gaols, and erect neceſſary houſes, and a wall for ſecurity of priſoners.

VIII. And be it further enacted by the authority aforeſaid, That the ſaid grand juries at the aſſizes or quarter ſeſſions aforeſaid, ſhall be, and they are hereby impowered to raiſe by preſentment, to be confirmed by the judge at ſuch aſſizes, or by three of the juſtices in the city of Dublin, and by the recorder of the city of Dublin, in the county of the ſaid city, any ſum to be levied off the county at large, not exceeding one hundred pounds, for the purchaſe of ſuch ground, and building ſuch houſes and wall, or any yearly ſum for the payment of ſuch rent, not exceeding ten pounds.

And raiſe by preſentment, confirmed by judge of aſſiſe, &c. not above 100l. or 10l. yearly rent,

IX. And whereas it often happens, that perſons of inſane mind, and outrageous behaviour, are committed to priſon for aſſaults, or other crimes not capital, which perſons go now in common with the other priſoners: be it enacted by the authority aforeſaid, That the grand juries aforeſaid may be enabled, and they are hereby required and directed, to preſent a ſum of money

And to preſent money for building a room for perſons inſane, &c.

the gaoler impowered to confine by warrant from next juſtice on

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money to build a room in addition to the preſent gaols (where ſuch is not already to be had) fit for the reception of ſuch perſon or perſons, and wherein the goaler ſhall be impowered by a warrant from the next juſtice of the peace for the county wherein ſuch goal ſhall lye, to confine any ſuch perſon, information upon oath having firſt been given to ſuch juſtice of the peace of the inſanity or other outrageous behaviour of every ſuch priſoner.

information on oath of inſanity, &c.

Preſentment for ſuch room not above 30l.

X. And be it enacted by the authority aforeſaid, That the ſaid grand juries ſhall at the ſaid aſſizes and quarter ſeſſions aforeſaid, be impowered, and they are hereby impowered, to raiſe by preſentment, to be confirmed as aforeſaid, off the county at large, any ſum, not exceeding the ſum of thirty pounds for building ſuch a room.

Separate apartments in gaols for different ſexes,

XI. And be it further enacted by the authority aforeſaid, That in all gaols hereafter to be built, there may be diſtinct apartments for the men and women; and that all gaolers, whoſe gaols will at preſent admit of ſuch a diſtinction, may be obliged to ſeparate and keep apart the different ſexes; provided the ſame may be done without any riſque or danger of an eſcape of any of the ſaid priſoners; of which, if apprehended, the gaoler ſhall give notice to the next juſtice of the peace; and if the ſaid juſtice ſhall upon viſiting the ſaid gaol, ſee ſufficient grounds for ſuch apprehenſions, or that the ſaid gaol is inſufficient for the purpoſe aforeſaid, he ſhall, by writing under his hand, give to the ſaid gaoler a certificate thereof; and if any gaoler ſhall offend contrary to the intent and meaning hereof, he ſhall for every ſuch offence forfeit the ſum of five pounds, to be recovered by civil bill, the penalty to go to the informer.

certificate by next juſtice on notice by gaoler of danger of eſcape,

penalty on gaoler 5l. by civil bill to informer.

Preſentment not above 100l. for altering gaols.

XII. And be it enacted by the authority aforeſaid, That the ſaid juries ſhall be impowered to raiſe and levy by preſentment, to be confirmed as aforeſaid, any ſum not exceeding one hundred pounds, for altering the gaols already built in manner aforeſaid.

Gaolers at quarter ſeſſions to give kalendars of priſoners to the juſtices, who may examine them,

XIII. And for the better and more effectual relief of the unhappy perſons in any gaol or priſon during their confinement, be it enacted by the authority aforeſaid, That at every quarter-ſeſſions held in or for the reſpective counties, counties of cities, and counties of towns in this kingdom, the gaoler or priſon-keeper for every reſpective gaol or priſon for ſuch county, city, or town, ſhall furniſh the juſtices, who ſhall preſide at ſuch ſeſſions, with a true kalendar of the perſon or perſons actually in his cuſtody; and the ſaid juſtices may, if they think proper, order the priſoner or priſoners to be brought into the court, provided ſuch ſeſſions are held in the city or town, wherein ſuch gaol or priſon ſhall be kept, and there examine them

and if fraud, ſeverity, or exaction appear in gaolers, may certify it to the ſheriff, &c.

them touching any fraud, ſeverity, or exaction of any ſuch gaoler or priſon-keeper; and if any ſuch ſhall appear upon proof, the ſaid juſtices ſhall and may ſignify the ſame by writing under their hands to the high ſheriff or his deputy, or other perſon or perſons who uſually nominate or appoint ſuch gaoler or priſon-keeper, who is or are hereby required to nominate and appoint another perſon to take care of any ſuch gaol or priſon in the room of ſuch perſon, as ſhall be ſo objected to by the ſaid juſtices; and in caſe any perſon ſo uſually nominating or appointing any ſuch gaoler or priſon-keeper, ſhall refuſe or neglect to act as herein before directed, it ſhall be lawful for the next going judge of aſſize in every ſuch county, city, or town, or for the ſaid juſtices in the county of Dublin, or for the ſaid recorder in the county of the ſaid city, to impoſe a fine or penalty upon the perſon ſo neglecting or refuſing, not leſs than ten pounds; unleſs it ſhall appear to ſuch judge, that ſuch removal or new appointment could not be made without manifeſt danger to the ſecurity of the ſaid gaol.

who ſhall appoint another on penalty not leſs than 10l. by the judge of aſſiſe, unleſs on manifeſt danger.

XIV. And be it enacted by the authority aforeſaid, That all and every ſum and ſums of money, which ſhall be granted by the grand jury to the miniſter or curate for bread or other neceſſaries, as preſcribed by the ſaid act of the third year of his late Majeſty King George the ſecond, and herein before particularly mentioned, ſhall be accounted for in open court, as by the ſaid act is directed.

Preſentment to miniſter for bread or neceſſaries, accounted for in court as by 3 G. 2. c. 5. ſ. 6.

XV. And be it enacted by the authority aforeſaid, That the reſpective grand juries of the reſpective counties, counties of cities, and counties of towns, may, if they think proper, give to the miniſter or to the curate by preſentment any ſum, not exceeding ten pounds yearly, for the more carefully and effectually attending the duty required by this act.

Preſentment to miniſter not above 10l. yearly.

XVI. And be it likewiſe enacted by the authority aforeſaid, That the miniſter or curate of the pariſhes, wherein ſuch gaols ſhall be, ſhall diligently perform the ſeveral duties, required by this act, and by the ſaid recited act of the third year of his late Majeſty; and for non-performance thereof, ſhall be liable to ſuch penalties, as are mentioned in the ſaid recited act, to be recovered and diſpoſed of as therein mentioned.

Penalties on miniſters for non-performance, as by 3 G. 2. c. 5. ſ. 6.

XVII. And be it enacted by the authority aforeſaid, That the ſaid grand juries ſhall be impowered to raiſe and levy by preſentment, to be confirmed as aforeſaid, any ſum not exceeding ten pounds, additional ſalary for the ſeveral gaolers in this kingdom.

Additional ſalary to gaolers not above 10l.

XVIII. And whereas many perſons, accuſed of, and guilty of treaſon and felony, eſcape the puniſhment due to ſuch crimes by

Preſentment, not above 2s. *per* day, for pro-

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the poverty of their profecutors, who actually forfeit their recognizances, rather than undergo the loſs of their labour and the unavoidable expence they muſt be at by attendance at the aſſizes: be it enacted by the authority aforeſaid, That if the judges of aſſize and general gaol delivery in any of the counties in this kingdom, ſhall recommend ſuch perſons, ſo attending to profecute, as proper objects to have an allowance for their time and avocation from their labours, that it ſhall and may be lawful for the grand juries of the reſpective counties to preſent any ſum not exceeding two ſhillings *per* day for ſuch perſons, as ſhall be ſo detained from their labour and buſineſs, and neceſſarily attending to profecute.

Profecutors for treaſon and felony on recommendation of judges of aſſiſe.

XIX. And whereas it often happens in criminal profecutions at the ſeveral aſſizes, that the profecutor ſhall appear at the firſt aſſizes, and the criminal make default; whereupon the recognizance of the firſt is at an end, and that of the offender is eſtreated; and at the next aſſizes the offender appears, and upon the non-appearance of the profecutor, is acquitted; upon certificate of which acquittal his eſtreat is reduced to ſome inconſiderable ſum; all which matters are generally carried on by a combination between the criminal and the profecutor, to the manifeſt prejudice and prevention of juſtice in this kingdom: be it therefore enacted by the authority aforeſaid, That in all ſuch caſes, the judge or judges of aſſize, upon the appearance of the profecutor or profecutors at the firſt aſſizes, and the non-appearance of the criminal, ſhall bind the ſaid profecutor or profecutors in a new, or continue him or them on the former, recognizance to appear at the next enſuing aſſizes; and that the recognizance of ſuch criminals ſhall not be reduced, unleſs it ſhall appear to the commiſſioners of reducement, that the perſon or perſons bound over to profecute, has or have been examined on the trial.

Profecutors on non-appearance of criminal bound anew, or continued on former recogniſance, and criminal's recogniſance not reduced unleſs profecutor examined on trial.

XX. Be it further enacted by the authority aforeſaid, That from henceforth no perſon, who is a clerk of the crown, ſhall appear in any ſuit at the profecution of the crown as council, attorney, or agent for the defendant.

No clerk of the crown to appear for defendant as agent, &c.

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CHAP. XXIX.

An Act for the more effectual preventing the pernicious Practice of burning Land.

WHEREAS by an act paſſed in the ſeventeenth year of the reign of his late Majeſty King George the ſecond to prevent the pernicious practice of burning land, and for the more effectual deſtroying of vermin, which act, as to ſuch part thereof as relates to the burning of land, was by an act made in the twenty firſt year of the reign of his late Majeſty continued until the twenty ninth of September one thouſand ſeven hundred and ſixty, and from thence to the end of the then next ſeſſion of Parliament, and, as to ſuch part thereof as relates to the burning of land, was by an act paſſed the laſt ſeſſion of Parliament, intituled, *An act for reviving, continuing, and amending ſeveral temporary ſtatutes* with ſeveral amendments made perpetual: and whereas by the ſaid laſt recited act the original leſſors, where the ſoil or ſurface has been burned or permitted to be burned by the occupiers of the land, and not by the original leſſees, have found great difficulties in ſuing for and recovering the penalty given by the ſaid act; and whereas the remedy provided by the ſaid act has been found not only difficult to the leſſors, but alſo diſadvantageous and very expenſive to the leſſees or occupiers ſo burning: for remedy whereof be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of Auguſt, which will be in the year one thouſand ſeven hundred and ſixty four, that in all caſes whatſoever, whether the ſoil or ſurface of any land ſhall be burned or permitted to be burned by the original leſſee or leſſees, or by the occupier or occupiers of ſuch land, and where the original leſſor of ſuch land ſhall not have conſented to ſuch burning, in manner as in the ſaid act is mentioned, that then and in ſuch caſe it ſhall and may be lawful to and for two or more of his Majeſty's juſtices of the peace within their reſpective juriſdictions to hear and determine in a ſummary way all offences committed againſt the true intent and meaning of the ſaid acts, and for that purpoſe upon information upon oath given before them by the original leſſor, his or her heirs or aſſigns, or one or more credible witneſs or witneſſes on his or their behalf, of the offence of ſuch pernicious burning of land, to ſummon before any two or more

Further enforced 5 G. 3. 10.

17 G. 2. 10.

21 G. 2. 7. *ſec.* 3.

1 G. 3. 17. *ſec.* 2. 3.

Offences againſt ſaid acts determined ſummarily by 2 juſtices.

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more of them within their ſaid juriſdictions any party or parties ſo accuſed as aforeſaid of being an offender or offenders againſt the true intent and meaning of the ſaid acts; and in caſe the party or parties accuſed ſhall not appear on ſuch ſummons, or offer ſome reaſonable excuſe for his, her, or their default, then upon the information upon oath as aforeſaid it ſhall and may be lawful to and for the ſaid two or more juſtices as aforeſaid to iſſue their warrant or warrants under their hands and ſeals for the apprehending the party or parties ſo accuſed as aforeſaid within their reſpective juriſdictions; and upon their appearing, or in caſe he, ſhe, or they ſhall not appear, and cannot be apprehended on a warrant granted againſt him, her, or them, as herein before is directed, then upon notice in writing being given to or left for him, her, or them at his, her, or their uſual place of abode, and ſuch notice being proved upon oath, then and in any ſuch caſe any two ſuch or more juſtices of the peace within their reſpective juriſdictions ſhall and may, and are hereby authorized and required to, proceed to make inquiry touching the aforeſaid matters complained of, and to examine any witneſs or witneſſes, who ſhall be offered on either ſide, on oath as aforeſaid, and which oath and oaths as aforeſaid ſuch juſtices of the peace are hereby authorized and required to adminiſter; and after hearing of the parties who ſhall appear, and the witneſſes who ſhall be offered on either ſide, ſuch juſtices of the peace as aforeſaid ſhall convict or acquit the party or parties accuſed of the penalty or penalties in the ſaid recited acts or any of them mentioned, together with the coſt of ſurveying the land ſo burned; and if the penalty or penalties inflicted by the aforeſaid act or acts, and to be recovered in the ſummary way herein directed, ſhall not be paid within the ſpace of twenty four hours after any ſuch conviction, then the ſaid juſtices of the peace ſo convicting the ſaid party or parties ſhall thereupon iſſue a warrant or warrants under their hands and ſeals, directed to any peace-officer or officers within their reſpective juriſdictions, impowering him or them to make diſtreſs of the goods or chattels of the offender or offenders; and if any offender ſhall convey away his goods out of the juriſdiction of ſuch juſtices, before whom he was convicted, or ſo much thereof that the penalty cannot be levied, then any chief magiſtrate or juſtice of the peace, within whoſe juriſdiction the offender ſhall have removed his goods, ſhall back the warrant granted by the ſaid juſtices of peace, before whom the conviction was ſo had as aforeſaid; and thereupon the penalty or penalties forfeited together with the coſt of ſurveying as aforeſaid ſhall be levied on the ſaid offenders goods

If penalties not paid in 24 hours, levied by diſtreſs on warrant,

ſaid warrant backed by a juſtice, where offender removes his goods,

and

and chattles by diſtreſs and ſale thereof; and if within five days from the diſtreſs being taken under the ſaid warrant of the ſaid juſtices of peace the money forfeited ſhall not be paid, the goods ſeized ſhall be appraiſed and ſold, rendering the overplus, if any, deducting the penalty or forfeiture and the coſts and charges of the diſtreſs and ſale, to the owner; which charges ſhall be aſcertained by the ſaid juſtices of peace, before whom any ſuch offender ſhall have been ſo convicted, or by the ſaid chief magiſtrate or other juſtice who backed the warrant; and for want of ſuch diſtreſs then it ſhall be lawful to and for the ſaid juſtices, before whom the ſaid conviction ſhall be had, and to and for every other magiſtrate or juſtice within whoſe reſpective juriſdiction any ſuch offender ſhall reſide or be, on the application of any proſecutor or proſecutors, and proof made of the conviction and non-payment of the ſaid penalty, coſt, and charges, by warrant under his or their hand and ſeal to commit every ſuch offender or offenders to the common gaol within the city, county, or place, where the ſaid offender ſhall be found, there to remain for the ſpace of three months, unleſs from the time of ſuch commitment payment ſhall be made of the ſaid penalty and forfeiture before the expiration thereof.

on non-payment in 5 days the goods appraiſed and ſold,

for want of diſtreſs 3 months impriſonment, unleſs, &c.

II. And be it further enacted by the authority aforeſaid, That the ſaid juſtices of the peace, before whom any ſuch perſon or perſons ſhall be convicted in manner preſcribed by this act, ſhall cauſe ſuch reſpective conviction to be drawn in the form and to the effect following; that is to ſay, to wit,

Form of conviction.

Be it remembered, that on this day of in the year of the reign A. B. is convicted before his Majeſty's juſtices of the peace for the ſaid county of or for as the caſe ſhall happen, for the pernicious burning of land, to wit, the quantity of and we do therefore adjudge him, her, or them to pay and forfeit for the ſame the ſum of together with the coſt of for ſurveying the ſame. Given under our hands and ſeals the day and year aforeſaid.

III. Provided always, and it is hereby further enacted, That if any perſon or perſons, convicted of any ſuch offence puniſhable as aforeſaid, ſhall think him, her, or themſelves aggrieved by the judgment of ſuch juſtices of the peace, before whom he, ſhe, or they ſhall have been convicted, ſuch perſon or perſons ſhall have liberty from time to time to appeal to the juſtices at the general quarter ſeſſions of the peace, unleſs the ſaid

Appeal to ſeſſions on recogniſance with 2 ſureties in double the ſum,

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conviction ſhall be within ten days of the ſaid general or quarter ſeſſions, and then at the next ſeſſions, or the next following to that, at the option of the party convicted, which ſhall be held for the ſaid county, city, or place, where ſuch judgment ſhall have been given; and that then the execution of the ſaid judgment ſhall in ſuch caſe be ſuſpended; the perſon or perſons ſo convicted entering into a recognizance at the time of ſuch conviction with two ſufficient ſureties in double the ſum, which ſuch perſon or perſons ſhall have been adjudged to pay or forfeit, upon conviction to proſecute ſuch appeal with effect, and to be forth coming to abide the judgment and determination of the juſtices at their ſaid general or quarter ſeſſions; which recognizances the ſaid juſtices, before whom ſuch conviction ſhall be had, are hereby impowered and required to take; and the ſaid juſtices at the ſaid general or quarter ſeſſions are hereby authorized and required to hear and ſpecially determine the matter of every ſuch appeal, and to award ſuch coſts, as to them ſhall appear juſt and reaſonable, to be paid by either party; and if upon hearing the ſaid appeal the judgment of the juſtices, before whom the appellant or appellants ſhall have been convicted, ſhall be affirmed, ſuch appellant or appellants ſhall immediately pay down the ſum, he, ſhe, or they ſhall have been adjudged to forfeit, together with ſuch coſts as the juſtices at their ſaid general or quarter ſeſſions ſhall award to be paid to the proſecutor for defraying the expences ſuſtained by reaſon of any ſuch appeal; and in default of the appellants paying the ſame any two ſuch juſtices or any one magiſtrate or juſtice of the peace having juriſdiction in the place, into which any ſuch appellant ſhall eſcape, or where he, ſhe, or they ſhall reſide, ſhall and may by warrant under their hand and ſeal or his hand and ſeal commit every ſuch appellant or appellants to the common gaol of the county, city, or place, where he, ſhe, or they ſhall be apprehended, until he, ſhe, or they ſhall make payment of ſuch penalty, and of the coſts and charges which ſhall be ſo adjudged to the ſaid proſecutor: but if the appellant or appellants in any ſuch appeal ſhall make good his, her, or their appeal, and be diſcharged of the ſaid conviction, reaſonable coſts ſhall be awarded to the appellant or appellants againſt ſuch proſecutor or proſecutors, who would in caſe of ſuch conviction have been intitled to the penalty to have been recovered as aforeſaid; which coſt ſhall and may be recovered by the appellant or appellants againſt ſuch proſecutor or proſecutors, in like manner as is herein before directed to be recovered againſt ſuch appellant; and in caſe the ſaid original leſſor, his or her heirs, ſhall omit or neglect to proceed for the ſaid penalty aforeſaid within ſix calendar months after any

coſts awarded on the appeal, if judgment affirmed, appellant to pay immediately with coſts, or committed,

like coſts for appellant,

on default of proceeding by original leſſor in 6

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ſuch pernicious burning, that then it ſhall and may be lawful to and for the original leſſee, his or her heirs, executors, adminiſtrators, or aſſigns, within ſix months next after the expiration of the time hereby given to the original leſſor, to proceed in the ſame manner and form for and recover any ſuch penalty and coſt, as is herein before directed in the caſe of the original leſſor; and in caſe the ſaid original leſſee ſhall omit or neglect to proceed for the ſaid penalty and coſt as aforeſaid, that then and in ſuch caſe it ſhall and may be lawful to and for the next immediate leſſor or leſſors, and ſo ſucceſſively, to proceed for and recover the ſaid penalty and coſt from the occupier or occupiers of the land ſo burned by him, her, or them, within three months next after the time hereby granted to the original leſſee.

6 months leſſee may proceed, and ſo ſucceſſively in 3 months.

CHAP. XXX.

An Act for the more effectual amending and repairing the Road leading from the City of Dublin to the Bridge of Dunleer in the County of Lowth; and for the better ſecuring the Debts now due, or which ſhall hereafter become due, to the Creditors of the ſaid Road.

WHEREAS the laws, heretofore made for the repairing the road leading from the city of Dublin to the town of Dunleer in the county of Lowth, have not effectually anſwered the purpoſes intended thereby, and it is found expedient to repeal the ſame, and to make the ſeveral proviſions herein after mentioned for the more effectually amending and repairing the ſaid road, beginning at White's lane in Dorſet ſtreet in the ſaid city of Dublin, and for the ſecuring the debts now due or which ſhall hereafter become due to the creditors of the ſaid road: be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of May in the year of our Lord one thouſand ſeven hundred and ſixty four an act of Parliament made in the fifth year of the reign of his late Majeſty King George the ſecond, intituled, *An act for repairing the road leading from the city of Dublin to the town of Dunleer in the county of Lowth*, and one other act of Parliament made in the ſeventh year of the reign of his ſaid late Majeſty King George the ſecond, intituled, *An act for making more effectual an act paſſed in the fifth year of the reign of his late Majeſty King George the ſecond*, intituled,

5 G. 2. 15.

& 7 G. 2. 18.

both repealed.

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tituled, *An act for repairing the road leading from the city of Dublin to the town of Dunleer in the county of Lowth*, be repealed and made null and void.

Truſtees of the ſaid road.

II. And for the better ſurveying, amending, and repairing the ſaid road, and for the ſecuring the ſaid debts, be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for his grace the lord primate of all Ireland, his grace the archbiſhop of Dublin, the governors, Cuſtodes Rotulorum, and knights of the ſhire for the counties of Dublin, Meath, and Lowth, the repreſentatives in Parliament for the city of Dublin, and boroughs of Swords, Drogheda, and Dunleer, the lord mayor of the city of Dublin, the mayor of Drogheda, the portrief of Swords, and ſovereign of Dunleer, the rectors and vicars of the ſeveral pariſhes in the baronies of Bobrothery, Coolock, and Nethercroſs in the county of Dublin, of Duleek in the county of Meath, and of Atherdee and Ferrard in the county of Louth, all for the time being, and the right honourable John lord baron Bowes of Clonlyon lord high chancellor of Ireland, the right honourable Edward earl of Meath, James earl of Clanbraſil, Thomas lord viſcount Headford, John lord baron Bellew, the right honourable Charles Gardiner eſquire, ſir Harry Cavendiſh baronet, ſir Marcus Lowther Crofton baronet, ſir Compton Domville baronet, ſir Henry Echlin baronet, ſir Archebald Acheſon baronet, the reverend ſir Philip Hoby baronet, the right honourable Arthur Trevor eſquire, the honourable Mr. juſtice Tenniſon, the right honourable Philip Tiſdal eſquire, the honourable Anthony Brabazon commonly called lord Brabazon, William Bury eſquire, Alan Bellingham eſquire, Henry Bellingham eſquire, Samuel Blacker eſquire, Wallop Brabazon eſquire, Robert Bolton eſquire, Stephen Bomford eſquire, John Marlow eſquire, John Bury eſquire, Robert Ball eſquire, the reverend dean Corbet, Philip Crampton eſquire, Dixie Coddington eſquire, John Chamney eſquire, Arthur Craven eſquire, Thomas Cobb eſquire, Alexander Mc Clintock eſquire, Henry Coddington eſquire, Graves Chamney eſquire, John Coningham eſquire, Alexander Carrol eſquire, Richard Dawſon eſquire, Dennis Doran eſquire, Brabazon Eccleſton eſquire, George Evans eſquire, Siddenham Singleton eſquire, the reverend doctor Thomas Foſter, William Foſter eſquire, Anthony Forſter eſquire, the reverend John Forteſcue, the reverend George Philips, the right honourable William Henry Forteſcue eſquire, James Forteſcue eſquire, Faithfull Forteſcue eſquire, Alderman William Forbes, John Fitzpatrick eſquire, Richard Gorges eſquire, John Graham eſquire, Henry Gonne eſquire, George Gonne eſquire, John Graham eſquire,

eſquire, Charles Gordon eſquire, James Grattan eſquire, Hartley Hutchinſon eſquire, James Hamilton eſquire, Alexander Hamilton eſquire, Alderman Edward Hardman, Alderman Edward Hunt, John Hatch eſquire, Thomas Haſſard eſquire, George Hamilton eſquire, Iſaac Holroyde eſquire, Richard Hamilton eſquire, alderman Perceval Hunt, Charles Hamilton eſquire, Richard Jebb eſquire, Thomas Morres Jones eſquire, the Reverend George Jackſon, James King eſquire, the reverend Mr. Robert King, William Knox eſquire, alderman Robert King, Francis Leigh eſquire, Gorges Lowther eſquire, John Leigh eſquire, Guſtavus Lambert eſquire, William Moleſworth eſquire, Henry Moore eſquire, Alexander Montgomery eſquire, Arthur Mervyn eſquire, William Mercer eſquire, William Mc Cauſland eſquire, Edward Meade eſquire, Henry Mitchell eſquire, Arthur Meredyth eſquire, Malcolm Mc Neale eſquire, William Maſſey eſquire, Richard Morgan eſquire, Henry Meredyth eſquire, major ——— Moleſworth, George Meares, eſquire, John Marſhall eſquire, Eyre Maſſey eſquire Brabazon Newcomen eſquire, Edward Noy eſquire, William Ogle eſquire, John Owens gentleman, Robert Percival eſquire, Nathaniel Preſton eſquire, Cromwell Price eſquire, John Putland eſquire, Richard Moore eſquire, Thomas Pepper eſquire, William Phillips eſquire, Lambert Pepper eſquire, Thomas Quinn eſquire, Abell Ram eſquire, John Rochfort eſquire, Robert Roſs eſquire, right honourable Hercules Langford Rowley eſquire, James Stephenſon eſquire, Stephen Sibthorp eſquire, Thomas Shaw eſquire, Trevor Stannus eſquire, Robert Scott eſquire, Harry Smith eſquire, William Swan eſquire, ſir Quaile Somervill baronet, Hamilton Smith eſquire, Jeremiah Smith eſquire, William Sharman eſquire, George Schoals eſquire, Robert Sibthrop eſquire, Mark Synot eſquire, Ephraim Stannus eſquire, Blayney Townley Balfour eſquire, Thomas Tipping eſquire, John Taaffe eſquire, James Tiſdall eſquire, William Tighe eſquire, Thomas Teniſon eſquire, George Vernon eſquire, James Wilkinſon eſquire, Samuel Waring eſquire, John Wynne eſquire, the reverend Mr. John Wynne, William Waller eſquire, the reverend doctor Henry Ware and Bernard Ward eſquire, and all his Majeſty's juſtices of the peace in the ſeveral counties of Dublin, Meath, and Lowth, who are hereby nominated and appointed truſtees of the ſaid road, and the ſurvivors of them, or any ſeven or more of them, or ſuch perſon or perſons as they or any ſeven or more of them ſhall authorize and appoint, to erect or cauſe to be erected one or more gate or gates, turnpike or turnpikes, in, upon, or acroſs any part or parts of the ſaid highway or road, (ſave and except in the ſaid town

Any 7 may erect turnpikes.

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of Dunleer and within half a mile thereof) and alſo one or more toll-houſe or toll-houſes, and there ſhall demand, receive, and take the tolls and duties following, before any horſe, mare, gelding, aſs, or mule, cattle, coach, berlin, chariot, calaſh, chaiſe, chair, waggon, wain, cart, or other carriage, ſhall be permitted to paſs through the ſame, *(viz.)* for every coach, berlin, chariot, calaſh, chaiſe, or chair drawn by ſix horſes, geldings, mares, or mules, or by more than ſix, the ſum of two ſhillings, and ſix pence; and for every coach, berlin, chariot, calaſh, chaiſe, or chair, drawn by four horſes, geldings, mares, or mules, the ſum of one ſhilling and ſix pence; and for every coach, berlin, chariot, calaſh, chaiſe, or chair, drawn by two horſes, geldings, mares, or mules, the ſum of one ſhilling; and for every waggon, wain, cart, or carriage with four wheels, the breadth thereof being nine inches at the ſole, and the ſtreaks thereof ſet on with flat or roſe headed nails, drawn by three or more horſes, the ſum of ſix pence; and for every waggon, wain, cart, or carriage with two wheels, the breadth thereof being nine inches at the ſole, and the ſtreaks thereof ſet on with flat or roſe-headed nails, drawn by two or more horſes, mares, geldings, aſſes, or mules, the ſum of three pence; for every waggon, wain, or cart, with four wheels narrower than nine inches, the ſum of ten ſhillings; for every waggon or wain with two wheels narrower than nine inches, having two or more horſes, the ſum of five ſhillings; for every carr or cart, having but one horſe, mare, or gelding, the breadth of the wheels thereof being three inches at the ſole, and the ſtreaks thereof ſet on with flat or roſe headed nails, the ſum of three halfpence; for every carr or cart with wheels narrower than three inches, the ſum of one ſhilling, at each and every turnpike gate on the ſaid road; and for every carriage, commonly called a chair or chaiſe drawn by one horſe, mare, gelding, or mule, the ſum of ſix pence; and for every horſe, mare, gelding, mule, or aſs, laden or unladen, and not drawing, the ſum of one penny; and for every drove of oxen, cows, or neat cattle, the ſum of twenty pence by the ſcore, and ſo in proportion for any greater or leſſer number; and for every drove of calves, hogs, ſheep, or lambs, the ſum of ten pence by the ſcore, and ſo in proportion for any greater or leſſer number; and for every carriage, whereon ſhall be carried or born any millſtone or millſtones, two ſhillings and ſix pence; and for every horſe, mare, gelding, cattle, coach, berlin, chariot, calaſh, chaiſe, chair, waggon, wain, cart, carr, or other carriage, travelling on Sundays from ſun-riſe to ſun-ſet, double the aforeſaid tolls ſo to be paid by them on other days; which ſaid

ſave in Dunleer or within half a mile,

and demand toll,

for a coach and 6 horſes, &c. 2s. 6d.

with 4 horſes 1s. 6d.

2 horſes 1s.

waggons, &c. with 4 wheels 9 inches broad with flat nails, and 3 or more horſes, 6d.

if with 2 wheels by 2 or more horſes, &c. 3d.

if 4 wheels under 9 inches 10s. 2 wheels 5s.

cart with 1 horſe, the wheels 3 inches, 1½d. if under 3 inches 1s.

1 horſe chair 6d.

a horſe, &c. 1d.

oxen, &c. 20d. *per* ſcore, calves, &c. 10d.

millſtones 2s. 6d.

double toll on Sundays,

reſpective ſum and ſums of money ſhall be demanded and taken in the name of, or as a toll or tolls; and the money thereby to be raiſed and collected is and ſhall be veſted in the ſaid truſtees, ſubject and liable to the payment of the debts now due to the creditors of the ſaid road, which ſaid debts are hereby made a charge upon the ſaid tolls; and the intereſt due and to grow due for the ſame, and the ſaid tolls, and every part thereof, ſhall be applied and diſpoſed of, and aſſigned to and for the ſeveral uſes, intents, and purpoſes, and in ſuch manner, as herein after is mentioned and declared; and they the ſaid truſtees, or any ſeven or more of them, are hereby impowered by themſelves, or any perſon or perſons by them, or any ſeven or more of them thereunto authorized, to levy the tolls by this act laid upon any ſuch perſon or perſons, who ſhall after demand thereof made, neglect or refuſe to pay the ſame as aforeſaid, by diſtreſs of any horſe, gelding, mare, mule, or other cattle or goods, upon which ſuch tolls are by this act impoſed, or upon any other of the goods and chattles of ſuch perſon or perſons who ought to pay the ſame, and may detain and keep the ſame, until ſuch tolls, with the reaſonable charges of ſuch detaining and keeping, ſhall be paid; and it ſhall and may be lawful to and for ſuch perſon and perſons ſo diſtraining, after the ſpace of four days after ſuch diſtreſs made and taken, to ſell the ſaid cattle or goods ſo diſtrained and taken, returning the overplus, if any there be, upon demand, to the owner or owners thereof, after ſuch tolls and reaſonable charges for diſtraining and keeping the ſame ſhall be deducted and paid.

the tolls veſted in truſtees, ſubject to debts due;

on non-payment levied by diſtreſs, and ſale after 4 days.

III. Provided, That no fiſh-carriage, which ſhall have more than two wheels, and ſhall be employed only in carrying fiſh to the markets of Dublin from any ſea-port, ſhall be liable to pay any of the tolls impoſed by this act; but all ſuch carriages, coming to and returning from the ſaid city of Dublin, ſhall and may paſs toll-free on all parts of the ſaid road.

Fiſh-carriages to Dublin with more than 2 wheels exempted.

IV. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid truſtees, or any ſeven or more of them, from time to time during the continuance of this preſent act, to make out warrants or orders in writing under their hands, directed to the treaſurer or receiver of the ſaid tolls, thereby requiring him to pay thereout to the perſon or perſons named in ſuch warrant or order, their executors, adminiſtrators, and aſſigns, the growing intereſt of the ſum of money mentioned in ſuch warrant or order, as the ſame ſhall from time to time become due, until ſuch time as the principal ſum mentioned in ſuch warrant or order ſhall be paid off, and diſcharged at one intire payment; provided that no war-

Intereſt paid by receiver on warrant of truſtees (not above 50l.) till principal at one payment.

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rant or order, to be iſſued to the ſaid treaſurer or receiver by virtue of this act, ſhall be for any greater ſum than the principal ſum of fifty pounds.

Warrants transferable by indorſement,

V. And be it further enacted by the authority aforeſaid, That all and every perſon or perſons, to whom ſuch warrants or orders ſhall be given, his, her, or their executors or adminiſtrators, may by indorſements on ſuch orders or receipts transfer the right and benefit of the ſum mentioned in ſuch warrants or orders; which indorſements, upon notice to the treaſurer or receiver of the ſaid tolls, and an entry or memorial thereof made in a book to be kept for that purpoſe (which entry or memorial the ſaid treaſurer or receiver ſhall upon requeſt, without charge, fee, or reward, make accordingly, and ſhall, on the like requeſt, permit to be viewed at reaſonable hours, without fee or reward) ſhall intitle the indorſee or aſſignee, his or her executors, adminiſtrators, or aſſigns, to the ſole benefit of the ſum ſo transferred or aſſigned; and that the ſaid warrant or order may in like manner be aſſigned or transferred by ſuch aſſignee, his, or her executors, or adminiſtrators, and ſo *toties quoties*; and that after ſuch aſſignment, it ſhall not be in the power of the perſon or perſons, who made ſuch aſſigment, to make void, releaſe, or diſcharge the ſaid aſſignment, or the ſum thereby transferred or aſſigned, or any part thereof.

entry thereof by receiver, viewed without fee.

ſo *toties quoties*.

and not afterwards avoidable by aſſignor.

All warrants numbered.

VI. And be it further enacted by the authority aforeſaid, That the clerk, treaſurer, or receiver of the ſaid tolls, ſhall arithmetically number all the warrants or orders, which ſhall be given or delivered out in purſuance of this act, as they ſhall be delivered out, commencing by number one, and ſo continuing the numbers till the whole be arithmetically numbered.

Former warrants purſuant to ſaid acts ſtill in force.

VII. And be it enacted by the authority aforeſaid, That all the warrants and orders, heretofore iſſued and granted by the truſtees of the ſaid road, in purſuance of the ſaid two ſeveral acts ſo repealed, or either of them, ſhall ſtand and remain in the ſame plight and condition, and be of as full force and effect, for the benefit of the perſons intitled to the ſame, as if this act had never been made.

Tolls applied firſt to diſcharge intereſt of debts,

VIII. And be it further enacted by the authority aforeſaid, That the ſeveral tolls and duties hereby made payable ſhall be applied and paid to the diſcharge of the intereſt of the ſaid debts ſo due to the creditors of the ſaid road, and the intereſt of ſuch other or further ſum or ſums as ſhall be hereafter borrowed for the uſe of the ſaid road, and after payment of the ſaid intereſt,

then to repair the road,

towards repairing and amending the ſaid road; and that all the ſurplus of the ſaid tolls and duties hereby made payable, over and above what ſhall be ſufficient to diſcharge the ſaid intereſt

and

and to amend and repair the ſaid road, ſhall be applied towards the diſcharge of the principal of the ſaid debts, and of ſuch other and further ſums as ſhall hereafter be borrowed as aforeſaid, in manner hereafter mentioned, (*viz.*) that is to ſay; when and as often as ſuch ſurplus received by the ſaid treaſurer or receiver ſhall amount to the ſum of two hundred pounds, that then the ſaid treaſurer or receiver ſhall cauſe the number of all the warrants or orders, which heretofore have been granted in purſuance of the ſaid two ſeveral acts or either of them, ſo repealed, and which ſhall hereafter be iſſued and delivered out in purſuance of this act, and the ſum therein contained, to be written on ſeveral tickets or pieces of parchment, to be rolled and ſealed up, and put into a box or urn, and well mixed together, and an indifferent perſon to be appointed by the ſaid truſtees, or any ſeven or more of them, ſhall publickly between the hours of ten and twelve in the forenoon, of a day to be by the ſaid treaſurer or receiver publickly advertized in the Dublin Gazette for that purpoſe, at leaſt twenty days before, at the Tholſel of the city of Dublin, draw out of ſuch box or urn, as many of the ſaid tickets or pieces of parchment, as the ſums therein contained ſhall amount to the ſaid ſums of two hundred pounds; and the perſon or perſons, the number of whoſe warrants or orders ſhall be ſo drawn, his or their executors, adminiſtrators, or aſſigns, ſhall, within twenty days after the ſaid warrants or orders ſhall be drawn, be paid by the ſaid treaſurer or receiver, the principal ſum or ſums ſo to him, her, or them reſpectively due, with the intereſt of the ſame till paid, and ſhall, upon payment thereof, deliver up his and their ſeveral and reſpective warrants or orders to the ſaid treaſurer or receiver to be cancelled, which he is hereby required to cancel accordingly; and the intereſt payable by virtue of ſuch warrants or orders ſhall ceaſe from the expiration of twenty days, to be accounted from the day of drawing the ſaid tickets or pieces of parchment.

Surplus amounting to 200l. to diſcharge the principal by ballot.

IX. And be it further enacted by the authority aforeſaid, That if any perſon or perſons whatſoever, owning, renting, or occupying any land near unto any turnpike heretofore erected or to be erected in purſuance of this act, ſhall for gain, reward, or otherwiſe, willingly permit any perſon or perſons whatſoever, to paſs through any gate, paſſage, or way with any coach, berlin, chariot, calaſh, chaiſe, or chair, wain, cart, carriage, or riding or driving any horſe, aſs mule, or any ſort of cattle, to avoid the payment of the toll hereby appointed to be paid, and be thereof convicted upon oath before the ſaid truſtees, or any ſeven or more of them, or before one or more juſtice or juſtices of the peace for the county wherein ſuch offence or offences ſhall

Landholders near turnpikes permitting a paſſage to avoid toll, forfeit on conviction 10s. by diſtreſs and ſale.

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be committed (who are hereby impowered and required to adminiſter ſuch oath) every ſuch perſon ſhall forfeit and pay to the truſtees, authorized to put this act in execution, the ſum of ten ſhillings, to be levied by diſtreſs and ſale of the offenders goods by warrant under the hand and ſeal, or under the hands and ſeals of the ſaid truſtees, or any ſeven or more of them, or of ſuch juſtice or juſtices, rendering the overplus, if any be, to the owner, the charges in taking and diſpoſing of the ſaid goods being firſt deducted.

Croſs gates erected,

X. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid truſtees, or any ſeven or more of them, to erect one or more gate or gates, turnpike or turnpikes, on the ſide of the ſaid highways or roads acroſs any lane or way leading out of the ſaid road, and toll-houſe or toll-houſes, and there to receive and take ſuch toll as is appointed by this act to be taken; ſo as the ſame do not extend to a double charge in caſe of paſſing through any other of the turnpikes to be erected by virtue of this act.

ſo as no double charge.

7 truſtees at meeting to appoint collectors, treaſurers, and ſurveyors, and new ones on death or removal;

XI. And be it further enacted by the authority aforeſaid, That the ſaid truſtees, or any ſeven or more of them, at their firſt meeting, or any ſucceeding meeting, by writing under their hands and ſeals, ſhall and may elect, nominate, or appoint, one or more perſon or perſons to be treaſurer or treaſurers, collector or collectors of ſuch money, in the name of ſuch toll or duty, as ſhall be due and payable by virtue of this act, and alſo one or more fit perſon or perſons to be a ſurveyor or ſurveyors to ſee the condition of the ſaid highway or road, and to ſee that the ſame be repaired and amended, and that the money ariſing and expended by virtue of this act be duly applied, and from time to time to remove ſuch treaſurers, collectors, and ſurveyors, or any or either of them, as they ſhall ſee occaſion, and appoint new ones in caſe of death or of ſuch removal: and ſuch perſon or perſons, as is or are by this act liable to pay the ſaid toll or duty, is and are hereby required to pay the ſame after the rates aforeſaid, to the ſaid treaſurer or treaſurers, collector or collectors of the ſaid toll or duty in that behalf from time to time appointed as aforeſaid; and the perſon or perſons ſo appointed as aforeſaid, ſhall, upon oath, if thereto required by the ſaid truſtees, or any ſeven or more of them, or before one or more juſtice or juſtices of the peace reſiding near the highway or road aforeſaid, (which oath the ſaid truſtees, or any ſeven or more of them, or ſuch juſtice and juſtices, is and are hereby impowered and required to adminiſter) on the firſt Tueſday in every month, or oftner, if quired, during the continuance of this act, give in a true, exact, and perfect account in writing, under their reſpective hands of

accountable on oath the 1ſt Tueſday monthly, or oftner.

all monies, which he and they, and every or any of them, ſhall to ſuch time have received, paid, and diſburſed by virtue of this act by reaſon of their reſpective offices; for which oath no fee or reward ſhall be taken; and in caſe any money ſo received ſhall remain in their or any of their hands, the ſame ſhall be paid to the ſaid truſtees or any ſeven or more of them, or to ſuch perſon or perſons as the ſaid truſtees or any ſeven or more of them (as they are qualified to act) ſhall by any writing or writings under their hands and ſeals authorize and impower to receive the ſame, which ſhall be diſburſed and laid out in amending and repairing the ſaid highways or roads according to the true intent and meaning of this act, and not otherwiſe; and the ſaid truſtees or any ſeven or more of them, to whom ſuch accounts ſhall be given, ſhall and may out of the money ariſing by the ſaid toll or duty make ſuch allowance unto the ſaid treaſurer or treaſurers, collector or collectors, and the ſurveyor or ſurveyors, for and in conſideration of his and their care and pains reſpectively taken in the execution of his and their office and offices, and to ſuch other perſon or perſons, who have been or ſhall be aſſiſting in and about procuring the ſaid highways and roads to be amended and repaired by advancing or laying out any monies or otherwiſe relating thereunto, as to them ſhall ſeem good; ſo as ſuch allowance or allowances to ſuch treaſurer or treaſurers, collector or collectors, do not annually exceed in the whole the ſum of forty pounds, and to ſuch ſurveyor or ſurveyors the ſum of three ſhillings *per diem*, during ſuch time or times as he or they ſhall be reſpectively employed in the repair of the ſaid roads, and ſo as ſuch allowance or allowances to any other perſon or perſons, who ſhall be employed by virtue of this act, does not exceed the ſum of fifteen pounds yearly to each perſon; and in caſe the ſaid treaſurer or treaſurers, collector or collectors, of the aforeſaid toll or duty, or any of them, ſhall not make ſuch account and payment unto ſuch perſon or perſons according to the orders and directions of the ſaid truſtees, or any ſeven or more of them, as aforeſaid, that then the ſaid juſtices of the peace at any ſpecial ſeſſions or meeting of them to be holden for the county, in which ſuch receiver or receivers, collector or collectors, have acted or been employed, and made ſuch default as aforeſaid, ſhall and are hereby required and impowered to make enquiry and finally to determine of and concerning ſuch default as well by confeſſion or examination upon oath of the ſaid parties themſelves, as by the teſtimoney of one or more credible witneſs or witneſſes upon oath, which oath they are hereby impowered and required to adminiſter without fee or reward; and if any perſon or perſons ſhall be convicted thereof by ſuch

money in their hands paid to truſtees or their appointee and laid out on the roads,

allowance to collectors or treaſurers not above 40l. yearly.

ſurveyors 3s. a day while employed,

others 15l. each.

Default of account or payment examined at ſeſſions,

on conviction impriſoned till performance.

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juſtices, they the ſaid juſtices ſhall upon conviction commit the party or parties to the common gaol of the county, where ſuch offence ſhall be committed, there to remain without bail or mainprize until he or they ſhall have made a true and perfect account and payment as aforeſaid.

Surveyors may raiſe materials, ſave in garden, orchard, deer-park, yard, or avenue, indemnifying the owner as by truſtees thought fit,

XII. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid ſurveyor and ſurveyors, and ſuch perſon or perſons as he or they, or the ſaid truſtees or any ſeven of them, ſhall appoint, to dig, raiſe, gather, and take any gravel, furze, ſand, ſtones, or other materials out of the ſeveral grounds of any perſon or perſons, not being a garden, orchard, or deer-park, yard, planted walk or walks, or avenue to a houſe, where any ſuch materials are or may be found, and from time to time to carry away ſuch and ſo much thereof, as the ſaid ſurveyor or ſurveyors in their reſpective places ſhall adjudge neceſſary for the repairing and amending the ſaid highways or roads, paying ſuch rate for ſuch materials and for the damage to the owner or occupier of the ground, from which the ſame ſhall be digged, raiſed, gathered, and carried away, as the truſtees appointed or to be appointed to put this act in execution ſhall adjudge reaſonable; and in caſe of any difference between ſuch owner or occupier and the ſaid truſtees touching the value of the materials and damage aforeſaid, the judges of aſſize or the juſtices of the peace at the next general aſſizes and general gaol delivery or quarter ſeſſions to be holden in the county, where the ſaid materials ſhall be digged, raiſed, or gathered, and from which the ſame ſhall be carried away, may and ſhall adjudge, aſſeſs, and finally determine the ſame; and in caſe any ſuch owner or occupier of the grounds, where ſuch materials may be had, or any other perſon, ſhall oppoſe or hinder the perſon or perſons ſo as aforeſaid authorized in ſearching for, raiſing, digging, or carrying away any gravel, furze, ſand, ſtones, or other materials, every ſuch perſon or perſons ſo offending, being thereof convicted upon oath before one or more juſtice or juſtices of the peace for the ſaid county where ſuch offence ſhall be committed, ſhall for every ſuch offence forfeit the ſum of twenty ſhillings to be paid to the ſaid truſtees, and levied by diſtreſs and ſale of the ſaid offenders goods and chattels, in ſuch manner as the penalties herein before mentioned are appointed to be levied.

any difference ſettled next aſſizes or ſeſſions,

Perſons oppoſing ſurveyors forfeit 20s.

Surveyors, &c. may remove or prevent annoyances, and cut or lop and carry away trees or buſhes

XIII. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſurveyor or ſurveyors, and ſuch perſon or perſons as he or they, or the ſaid truſtees, or any ſeven of them, ſhall appoint, from time to time to remove and prevent any annoyances on any part of the ſaid highways or roads, hereby intended to be repaired, by filth, dung,

dung, aſhes, rubbiſh, water-courſes, ſinks, or drains running into the ſaid highways or roads, and to cleanſe any ditch or water-courſes adjoining to the ſaid roads; or to cut down, lop, or top any trees or buſhes growing in the ſaid highways, or in hedges or banks adjacent to the ſaid highways, and to take and carry away the ſame, the owners or occupiers neglecting to cut down ſuch trees or buſhes, or to remove ſuch other annoyances, for the ſpace of ten days after notice in writing given for that purpoſe under the hands of ſeven of the ſaid truſtees; the charges whereof ſhall be reimburſed the ſaid ſurveyor or ſurveyors by ſuch owners or occupiers neglecting to cut down the ſaid trees or buſhes, or to remove ſuch other annoyances, as aforeſaid; and if after removal of any ſuch annoyances any perſon or perſons ſhall again offend in the like kind, every ſuch perſon or perſons ſo offending, and being thereof convicted upon oath before one or more juſtice or juſtices of the peace for the ſaid county, where ſuch offence ſhall be committed, ſhall for every ſuch offence forfeit and pay unto the ſaid truſtees, where ſuch offence ſhall be committed, the ſum ten ſhillings, to be levied in manner aforeſaid.

on owner's neglect 10 days after notice in writing.

reimburſed by owner.

10s. on conviction of ſecond offence.

XIV. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid ſurveyor or ſurveyors by order of the ſaid truſtees, or any ſeven or more of them, to make or cauſe to be made cauſeways, and to cut and make drains through any grounds lying contiguous to the ſaid roads, and to erect arches of brick, timber, or ſtone thereupon, and alſo to widen any of the narrow parts of the ſaid highways or roads to the breadth of forty two feet in the clear by opening, clearing, and laying into the ſaid highways or roads any grounds of any perſon or perſons lying contiguous to ſuch highways or roads, not being a planted walk or avenue to a houſe; and alſo to cauſe ditches or trenches to be made in ſuch manner, and ſuch ſurveyor or ſurveyors by order of the ſaid truſtees, or any ſeven or more of them ſhall adjudge neceſſary for the better amending and keeping the ſaid highways or roads in good repair; making ſuch reaſonable ſatisfaction to the owner or occupier of ſuch ground, which ſhall be ſo laid in or unto the ſaid highways or roads, or through which any ſuch drain or drains ſhall be cut, or on which any ſuch arch or arches ſhall be made, for the damages which he or they ſhall or may thereby ſuſtain, as ſhall be aſſeſſed and adjudged, in caſe the ſame cannot otherwiſe be ſettled, by the next going judge or judges of the aſſizes, or juſtices of the peace, or the major part of them, at the next general aſſizes or quarter ſeſſions, holden for the county, in which ſuch ground ſhall be laid into the ſaid highways or roads, and through which any new road, drain or drains, ditch or ditches,

Cauſeways and drains may be made thro' grounds adjoining, arches erected and the roads widened 42 feet in the clear, with ditches, ſatisfying owner as adjuſted at aſſizes or ſeſſions, if any difference,

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ſhall be cut or made, or on which ſuch arch or arches ſhall be erected or made, or ſuch cauſeways made, in caſe of any difference concerning the ſame; and if any owner or occupier of any water-courſes, ditch or ditches, adjoining to the ſaid highways or roads, ſhall neglect or refuſe to ſcour or cleanſe ſuch water-courſes, and to make ſuch ditches ſo deep, and in ſuch manner, as the ſurveyor or ſurveyors ſhall adjudge proper and convenient, after ten days notice ſhall be given for that purpoſe by ſuch ſurveyor or ſurveyors to be appointed, or ſuch perſon or perſons as ſhall be appointed by him or them, to ſuch owner or owners, it ſhall and may be lawful to and for the ſurveyor or ſurveyors to ſet any man or men to work to ſcour, or cleanſe, or make the ſame, and by warrant from any ſeven or more of the ſaid truſtees to levy the charge thereof upon the perſons, goods, or eſtates of the owner or owners, occupier or occupiers, of ſuch water-courſes, ditch or ditches, by diſtreſs and ſale of his, her, and their goods and chattles, rendering the overplus (if any be) to the ſaid owner or occupier after all charges paid.

owner neglecting to cleanſe water-courſes or ditches after 10 days notice, the charge levied by ſurveyors on warrant of truſtees.

XV. And whereas that part of the ſaid road, which lies between the ſeven mile ſtone and the ſign of the horſe and car, ſituate between the fifteenth and ſixteenth mile ſtones on the ſaid road, and alſo that part of the ſaid road, which lies between the twenty ſecond mile ſtone on the ſaid road and the town of Drogheda, is extremely crooked and hilly, and inconvenient to travellers, and the ſaid road might be carried between the ſaid points by a much ſtraighter and more level courſe, whereby the ſaid road would be conſiderably ſhortened, and the hills over which it now paſſes, in ſuch parts thereof altogether avoided: be it therefore further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid truſtees, or any ſeven or more of them, and they or any ſeven or more of them are hereby required, in caſe they ſhall be enabled thereto by the tolls of the ſaid road, or can borrow more money ſufficient for that purpoſe, to make the ſaid road from the ſaid ſeven mile ſtone unto the ſaid ſign of the horſe and car, ſituate as aforeſaid, between the fifteenth and ſixteenth mile ſtones on the ſaid road, and from the ſaid twenty ſecond mile ſtone on the ſaid road to the town of Drogheda, in a ſhort and direct line or lines, as may be; and in order thereto it ſhall and may be lawful for the ſaid truſtees, or ſeven or more of them, to deſcribe, aſcertain, and lay out ſuch parts, and ſo much of the ground, lying between the points before mentioned, as they the ſaid truſtees or any ſeven or more of them ſhall judge neceſſary for ſuch new parts of the ſaid road: provided that no parts of the ſaid grounds, ſo to be laid out for the uſe of the new parts of the ſaid road, be built on,

Truſtees to ſhorten parts of the road,

but not grounds built on, avenue, or deer-park,

on, and that the ſame be not part of any planted walk or avenue to a houſe, or of a park or paddock which has been under deer before the commencement hereof: and the ſaid truſtees, or any ſeven or more of them, are hereby further authorized to treat and agree with the owners and others intereſted in the ſaid ground, to be made uſe of in making the ſaid new parts of the ſaid road as aforeſaid, for ſuch recompence and ſatisfaction, to be made for the ſame out of the tolls and duties ariſing by virtue of this act, as the ſaid truſtees, or any ſeven or more of them, ſhall think fit and reaſonable; and in caſe any perſon or perſons ſhall neglect or refuſe to treat or agree as aforeſaid, or through any diſability by nonage, coverture, or ſpecial limitation in any ſettlement or ſettlements, or by reaſon of any other impediment, cannot or otherwiſe howſoever ſhall refuſe to diſpoſe of their reſpective intereſts in ſuch land, in ſuch manner as the ſaid truſtees, or any ſeven or more of them, ſhall think convenient for the ſhortening the ſaid road; in every ſuch caſe the ſaid truſtees, or any ſeven or more of them, are hereby authorized and impowered to iſſue forth their warrant or warrants to the ſheriff or ſheriffs of the county, wherein ſuch ground doth lie, to impannel and return before the ſaid truſtees, or any ſeven or more of them, at ſuch time and place within the ſaid county as ſhall be appointed in ſuch warrant or warrants, (provided ſuch time is not leſs than twenty days from the iſſuing ſuch warrants, and that notice thereof be given to the owners or tenants of the ſaid lands, or the perſons in poſſeſſion of the ſame within three days after the iſſuing the ſaid warrants) a ſufficient jury, who upon their oaths (which ſaid oaths the ſaid truſtees, or ſeven or more of them, are hereby impowered and required to adminiſter) ſhall enquire into the true and real value of ſuch ground, to be made uſe of for ſuch new part or parts of the ſaid highway or road; and ſuch verdicts and inquiſitions, as ſhall be ſo found and returned by the ſaid jury, aſcertaining the value of ſuch ground, upon ſuch value being paid to the owners of ſaid lands, or in caſe of their refuſing to accept the ſame, to ſuch perſon or perſons as the ſaid truſtees, or ſeven of them, ſhall appoint for their uſe, ſhall be final and concluſive, as well to the ſaid truſtees, as to the ſeveral and reſpective owners and proprietors of ſuch ground, and all perſons claiming any eſtate, right, or intereſt in the ſame, notwithſtanding any ſuch unwillingneſs, diſability, or incapacity whatſoever in the owners or perſons intereſted in the ſaid grounds.

may treat with owners for ſatisfaction.

On refuſal or diſability to treat, truſtees may iſſue warrants to ſheriffs to return a jury not under 20 days, notice to owners in 3 days, who ſhall aſcertain the value, to be paid to owners or perſons appointed by truſtees, the verdict concluſive.

XVI. And foraſmuch as the money, ſo to be collected by ſuch receipts of the ſaid tolls, may not at preſent be ſufficient for

15 truſtees may aſſign over the tolls as ſecurity for money bor-

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for the making of ſuch new parts of the ſaid road, and for amending or keeping in repair the other parts thereof: be it therefore further enacted by the authority aforeſaid, That the ſaid truſtees, or any fifteen or more of them, ſhall, and may, and are hereby impowered from time to time by writing under their reſpective hands and ſeals to aſſign over the ſaid tolls or duties hereby granted, or any part thereof, the coſts and charges whereof to be borne and paid out of ſuch toll or duty, for any term or time during the continuance of this act, as a ſecurity for any ſum or ſums of money to be by them borrowed, to ſuch perſon or perſons, or their truſtees, who ſhall advance or lend the ſame, for the payment thereof with lawful intereſt, or leſs, if the ſame can be ſo had; which ſaid money ſo borrowed ſhall be applied and diſpoſed of in the making and incloſing the ſaid new part or parts of the ſaid road, and building bridges or arches, where it ſhall be judged neceſſary, over the ſeveral rivers and waters that may croſs the ſaid new part or parts, for repairing and ſhortening of the ſaid road, and as the toll or duty is by this act to be applied and diſpoſed of, and to no other purpoſe whatſoever.

rowed, to be applied to the new parts of the road, &c.

The old no longer parts of the turnpikes after finiſhing the new.

XVII. And be it further enacted by the authority aforeſaid, That the old parts of the ſaid road between the points herein before mentioned, where the ſaid new parts of the ſaid road are to begin and end, ſhall, from and after the time that ſuch new parts of the ſaid road ſhall be compleatly finiſhed and opened for travellers, and no ſooner, ceaſe to be part or parts of the ſaid turnpike road, and to be any longer under the care and government of the truſtees appointed for putting this act in execution.

Diviſion of the road in two parts.

XVIII. And be it further enacted by the authority aforeſaid, That the ſaid road, ſo leading from White's Lane in the city of Dublin to the bridge of Dunleer aforeſaid, ſhall be divided into two parts; and that ſo much of the ſaid road, as lies within the county of Dublin, and reaches from White's Lane in the city of Dublin to the bridge of Gormanſtown on the ſaid road, ſhall hereafter be diſtinguiſhed and known by the name of the Southern Diviſion of the ſaid road; and ſo much thereof, as reaches from the ſaid bridge of Gormanſtown to the ſaid bridge of Dunleer, ſhall hereafter be diſtinguiſhed and known by the name of the Northern Diviſion of ſaid road.

Toll paid only once the ſame day within either diviſion.

XIX. And be it further enacted by the authority aforeſaid, That no perſon or perſons ſhall be obliged to pay any of the tolls herein before mentioned more than once in the ſame day within either of the diviſions of the ſaid road; but every perſon having paid

paid the toll or duty hereby impoſed at any one of the gates erected or to be erected on the ſaid road between the city of Dublin and the bridge of Gormanſtown, on producing a note or ticket thereof, (which the receiver or receivers of the ſaid tolls are hereby required to give without fee or reward) ſhall be permitted to paſs free through all the ſeveral gates on the ſaid part of the ſaid road at any time during the day, in which he has once paid the ſaid toll as aforeſaid; and ſo in like manner, having once paid the ſaid toll at any one of the gates on the ſaid other part of the road between Gormanſtown bridge and the bridge of Dunleer, ſhall on producing ſuch ticket or note thereof be admitted at any time during the ſaid day to paſs through the other gates on the ſaid part of the ſaid road: but it is the true intention and meaning of this act, that every perſon ſhall pay twice on the ſame day, in caſe he ſhall travel over more of the ſaid road, than is contained in one diviſion of the ſame.

On forcing through without paying, or on giving tickets to another to avoid toll, penalty 10s.

XX. And for preventing frauds and abuſes with reſpect to the ſaid toll or duty be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall force his or their way through any of the ſaid gates without paying ſuch tolls, as by this act he is bound to pay, or if any perſon or perſons having paid the toll or duty by this act granted and made payable, and having ſuch note or ticket, notes or tickets, as hereby directed, ſhall give or diſpoſe of the ſame to any other perſon or perſons in order to avoid the payment of the ſaid toll or duty, every ſuch perſon giving, diſpoſing, or offering, and the perſon receiving, ſuch note or ticket, notes or tickets, and being thereof convicted upon oath before the ſaid truſtees, or any ſeven or more of them, or before any one or more juſtice or juſtices of the peace for the county, wherein ſuch offence or offences ſhall be committed (which oath the ſaid truſtees and the ſaid juſtice or juſtices are hereby impowered to adminiſter) ſhall reſpectively forfeit and pay the ſum of ten ſhillings, to be levied, recovered, and diſpoſed of, as any other penalty or forfeiture is directed to be levied, recovered, or diſpoſed of by this act.

15 truſtees may compound for toll, payable quarterly.

XXI. And be it further enacted by the authority aforeſaid, That the ſaid truſtees, or any fifteen or more of them, may and are hereby impowered from time to time, as they ſhall ſee convenient or think fit, to compound or agree by the year or otherwiſe with any perſon or perſons uſing to travel through the turnpike or turnpikes, erected or to be erected, with any milch cows, horſe, mare, or gelding, aſs, or mule, or with any coach, berlin, calaſh, chaiſe, chair, waggon, cart, car, or other carriage, for any ſum or ſums of money, to be paid quarterly from time to time after ſuch agreement ſhall be made.

Perſons exempt from toll, carrying materials for the road, corn in ſtraw, implements of huſbandry,

XXII. Provided alſo, and it is hereby declared, That no perſon ſhall be charged with any of the tolls or duties aforeſaid, who ſhall paſs through any of the turnpikes to be erected by this act, who ſhall carry any quantity of ſtones, gravel, or other materials for the repairing of the ſaid roads or any of the pariſhes wherein the ſame do lie, or in any of the neighbouring pariſhes; nor ſhall any perſon or perſons be chargeable with the ſaid toll or duty for any carts, cars, or waggons, loaded with corn in the ſtraw only, nor for any ploughs, harrows, or other implements of huſbandry, which may be carried in order for the uſing or repairing of the ſame in the ſeveral pariſhes, in which the ſaid highways or roads hereby intended to be repaired do lie; nor ſhall any toll or duty be demanded or taken at any of the turnpikes to be erected as aforeſaid for any horſe, mare, gelding, aſs, mule, or other cattle going to water or paſture, or for any poſt horſe carrying the mail or packet, or for ſuch horſe as is or ſhall be uſed only to ride on by the owner or driver of any waggon, cart, or carriage; provided ſuch horſe paſs through the ſaid turnpike or turnpikes with ſuch waggon, cart, or carriage; nor ſhall any toll or duty be demanded or taken for any horſe or horſes of ſoldiers paſſing, that are upon their march, or for any waggons, carts, cars, or other carriages, attending them, or for horſes, waggons, carts, cars, or other carriages travelling with vagrants ſent by paſſes, or with priſoners tranſmitted from one part of the kingdom to another.

cattle to water or paſture, the mail, waggoner's horſe, ſoldiers on march, vagrants paſſed, priſoners tranſmitted.

Continuance to 1ſt May 1804.

XXIII. And be it further enacted by the authority aforeſaid, That the toll or duty hereby granted, and this preſent act, ſhall take place from and after the firſt day of May next, and have continuance thenceforth for and during the term of forty one years.

Unleſs before adjudged by truſtees ſufficiently repaired, and loans repaid.

XXIV. Provided nevertheleſs, That if at any time before the expiration of the ſaid term of forty one years all parts of the ſaid road ſhall be ſufficiently amended and repaired, and ſhall be ſo adjudged by the majority of the truſtees, appointed or hereafter to be choſen by virtue of this act, by an adjudication under their hands and ſeals, that then and from and after ſuch adjudication made and repayment of ſuch money, as ſhall have been advanced and borrowed, with intereſt for the ſame, and the coſts and charges thereof, the tolls and duties ſhall ceaſe and determine, any thing herein contained to the contrary notwithſtanding.

7 truſtees on death, removal, or refuſing to act, may elect others, worth 2000l. or 100l. *per ann.* real eſtate in certain counties.

XXV. And be it further enacted by the authority aforeſaid, That for the continuing a ſufficient number of fit and able perſons to be truſtees for putting in execution all and every the powers in this act contained for and during the continuance

thereof it ſhall and may be lawful to and for the ſaid truſtees, or any ſeven or more of them, upon the death of any of the ſaid truſtees, or of their removal, or refuſing to act in the ſaid truſt, by any writing or writings under their hands and ſeals from time to time and at all times hereafter during the time aforeſaid to elect, nominate, and appoint in the room of ſuch truſtee or truſtees ſo deceaſed, removed, or refuſing to act, other fit and able perſon or perſons, ſo as ſuch perſon or perſons, ſo to be choſen and elected, be worth in perſonal fortune the clear ſum of two thouſand pounds, or ſhall have lands, tenements, and hereditaments of the clear yearly value of one hundred pounds in the city of Dublin, or in the counties of Dublin, Meath or Louth, or county of the town of Drogheda, or in the counties of Down, Armagh, or Antrim, to be joined with the ſaid truſtees in the execution of all and every the power and powers in them repoſed by virtue of this act; and all and every perſon and perſons, ſo to be choſen truſtee or truſtees to join in putting this act in execution, as they are herein before qualified to do, ſhall and may, and are hereby impowered to act, to all intents and purpoſes in as full, large, and ample manner, as the ſaid truſtees are by this act impowed to do, and ſo *toties quoties* as often as occaſion ſhall be and require.

7 truſtees to meet the 1ſt Monday in April, May, and June yearly.

XXVI. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid truſtees or ſeven or more of them, and the ſaid truſtees or ſeven or more of them are hereby required, to meet on the firſt Monday in the months of April, May, and June in every year in order to grant money for the amending and repairing of the ſaid road, and for the doing any other neceſſary buſineſs relative to the ſaid road; and that no money ſhall be granted at any board for the amending and repairing any part of the ſaid road, unleſs it ſhall appear by the affidavit of two credible perſons, that ſuch ſum is neceſſary to make or repair ſo many perches of the ſaid road at the rate of ſo much by the perch, and that a ſmaller ſum will not be ſufficient to amend or repair the ſame; no money ſhall be paid by any treaſurer to any overſeer, unleſs the ſaid overſeer maketh oath before ſome juſtice of the peace, or before the board, to conſiſt of ſeven of the ſaid truſtees at leaſt, that the ſaid ſum hath been faithfully and honeſtly expended in amending or repairing ſo many perches of the ſaid road, and for his wages being ſo much a day, and that he did attend the ſaid work diligently and carefully, and ſhall produce to the ſaid juſtice or to the board an exact account of the number of men, horſes, and cars employed each day at the ſaid work, and ſhall

No grant of money, unleſs on affidavit by 2 that leſs will not be ſufficient for ſo many perches,

nor to any overſeer, unleſs on oath before the board or a juſtice, and an exact account.

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ſwear to the truth of the ſaid account, and then, and not before, the ſaid juſtice or the ſaid board ſhall give an order to ſuch overſeer or the treaſurer for the payment of the amount of the ſaid account.

Truſtees impowered to diſpenſe with ſaid particulars as to amendment and repairs.

XXVII. Provided however, that if it ſhall appear to the ſaid truſtees, or any ſeven or more of them, that all or any of the above particulars, hereby made neceſſary previous to the granting or paying any money for the amendment and repairs of the ſaid road, cannot be complied with in the making of ſuch new parts of the ſaid road, as are herein before deſcribed and mentioned, then and in ſuch caſe the ſaid particulars, or ſuch of them as cannot be complied with, ſhall and may at the diſcretion of the ſaid truſtees be diſpenſed with.

Truſtees to meet near ſaid roads, when neceſſary,

XXVIII. And be it enacted by the authority aforeſaid, That the ſaid truſtees, or any fifteen or more of them, ſhall meet at the Tholſel in the city of Dublin on the ſecond day of June next, and the ſaid truſtees ſhall afterwards meet there, or at any other place or places near the ſaid highways or roads to be repaired, which the ſaid truſtees or any ſeven or more of them ſhall think proper or convenient, as often as it ſhall be neceſſary for the putting this act into execution; and if it ſhall happen, that there ſhall not appear at any meeting, which ſhall be appointed to be had or held by the ſaid truſtees, ſeven or more of the ſaid truſtees, who are hereby appointed a *quorum* for putting this act into execution, except in ſuch caſes where a greater number is expreſly required by this act, then and in ſuch caſe the clerk to the ſaid truſtees by notice in writing, to be affixed at their reſpective gates or turnpikes at leaſt twenty one days before the next meeting, ſhall appoint the ſaid truſtees to meet at the houſe, where the meeting of the ſaid truſtees was laſt appointed to be had, or at the Tholſel aforeſaid, or at ſome other convenient houſe near the ſaid road; and the ſaid truſtees at their firſt meeting and all other ſubſequent meetings ſhall defray their own charges and expences.

for want of a quorum the clerk to fix 21 days notice in writing at the gates,

defray their own charges.

23 G. 2. 16. (ſave as hereby altered) to be obſerved by the truſtees.

XXIX. And be it enacted by the authority aforeſaid, That an act made in the twenty third year of the reign of his late Majeſty King George the ſecond, intituled, [*An act for the more effectual amending and keeping in repair the ſeveral turnpike roads in this kingdom, and for the better ſecuring the creditors of the ſaid road,*] and all and every the powers, authorities, articles, rules, penalties, and clauſes, (except what are hereby altered) ſhall be of full force and effect, and ſhall continue and be executed and obſerved by the ſeveral truſtees herein before named and their ſucceſſors for and during the continuance of this preſent act.

XXX. Pro-

XXX. Provided always, and be it further enacted by the authority aforeſaid, That no perſon or perſons, appointed or to be appointed by this act a truſtee or truſtees for putting this act in execution, ſhall have or accept of any place of profit ariſing out of or by reaſon of the toll or duty by this act laid or granted, by ſuch perſon or perſons ſhall be incapable from the time of accepting and continuing to enjoy ſuch place of profit of acting as a truſtee.

No truſtee to accept place of profit out of the toll.

XXXI. And be it further enacted by the authority aforeſaid, That if any ſuit ſhould be commenced againſt any perſon or perſons for any thing done in purſuance of this act, in every ſuch caſe the action ſhall be laid in the ſaid county of Dublin, county of Meath, county of Lowth, or county of the town of Drogheda, and not elſewhere; and the defendant or defendants in ſuch action or actions to be brought may plead the general iſſue, and give this act and the ſpecial matter in evidence at any tryal to be had thereupon, and that the ſame was done in purſuance and by the authority of this act; and if ſhall appear ſo to be done, or that action or actions ſhall be brought in any other county, that then the jury ſhall find for the defendant or defendants; and upon ſuch verdict, or if the plaintiff ſhall be nonſuited or diſcontinue his action, after the defendant or defendants ſhall have appeared, or if upon any demurrer judgment ſhall be given againſt the plaintiff, the defendant or defendants ſhall and may have treble coſts, and have the like remedy for the ſame, as any defendant or defendants hath or have in any other caſes by law.

Actions laid in Dublin, Meath, Lowth, or Drogheda.

Defendants may plead general iſſue, and give ſpecial matter in evidence,

treble coſts on nonſuit, &c.

XXXII. And be it further enacted by the authority aforeſaid, That this act ſhall be deemed, adjudged, and taken to be a publick act, and ſhall be judicially taken notice of as ſuch by all judges, juſtices, and other perſons whatſoever without ſpecially pleading the ſame.

A publick act.

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CHAP. XXXI.

An Act for the more effectually amending and repairing the Road leading from the Town of Dundalk in the County of Lowth to Bann bridge in the County of Downe, and for the better ſecuring the Debts now due, or which ſhall hereafter become due to the Creditors of the ſaid Road.

Repealed 23 & 24. G. 3. *c.* 27. *ſec.* 1. ſave as to ſecurity for money advanced.

WHEREAS the laws heretofore made for repairing the road leading from the town of Dundalk in the county of Lowth to a bridge over the river Bann, commonly called Bann bridge in the county of Downe, have not effectually anſwered the purpoſes intended thereby, and it is found expedient to repeal the ſame, and to make the ſeveral proviſions herein after mentioned for the more effectually amending and repairing the ſaid road, and for the better ſecuring the debts now due, or which ſhall hereafter become due, to the creditors of the ſaid road: be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of May in the year of our Lord one thouſand ſeven hundred and ſixty four an act made in the ſeventh year of the reign of his late Majeſty King George the ſecond, intituled, *An act for repairing the road leading from the town of Dundalk in the county of Lowth to a bridge over the river Bann, commonly called Bann bridge in the county of Downe*, be repealed and made null and void.

7 G. 2. 24. *Repealed.*

II. And be it further enacted by the authority aforeſaid, That for the better ſurveying, ordering, amending, and keeping in repair the ſaid highway or road the governors and *cuſtodes rotulorum* of the counties of Lowth, Armagh, and Downe, the knights of the ſhire for the ſaid counties of Lowth, Armagh, and Downe, the repreſentatives in Parliament for the boroughs of Dundalk and Newry, the lords of the lordſhips of Ballymaſcanlon and Newry, the bailiff of Dundalk or his acting deputy, the ſeneſchals of Ballymaſcanlon and Newry, the rectors or reſident vicars of Dundalk, Hoynſtoon, Lowth, Foughart, Joneſborough, Newry, Donaghmore, Loughbrickland, and Seapatrick, all for the time being, the right honourable Alexander earl of Antrim, the honourable Mr. baron Dawſon, William Mercer eſquire, Edward Trevor gentleman, John Reilly, Alexander Hamilton, and Francis Forteſcue eſquires, the reverend doctor John Kearney, the reverend Hugh Hill, Charles

O'Neil, William Warren, and James Stevenſon eſquires, the reverend John Forteſcue, Samuel Cloſe, and William Brabazon eſquires, George Gordon, and James Moore gentlemen, Thomas Tipping and Hugh Montgomery eſquires, Robert Waddle gentleman, Malcolm M'Neille eſquire, James Read gentleman, Roſs Moore and Robert Scott eſquires, John Scott, James Carliſle, Edward Corry, John Hutchinſon, Robert M'Cormick, and John Pollock, gentlemen, Thomas Morres Jones, and James Smyth, eſquires, Iſaac Corry, Samuel M'Geough, and James Pollock gentlemen, the reverend archdeacon Houſe, Robert Carlile, eſquire, Robert Thompſon gentleman, William Blacker, Michael Obins, Iſrael Younghuſband, Meredyth Workman, and William Scott eſquires, William Ogle, John Ogle, James Davis, and Lancelot Watſon gentlemen, Faithful Forteſcue and Ephraim Stannus eſquires, David Carliſle and Robert Rainey gentlemen, the reverend Thomas Woolſey, George Ogle, and John M'Neal gentlemen, Robert Sibthorpe and John Page eſquires, and Benjamin Thompſon gentleman, together with the juſtices of the peace of the ſeveral counties of Lowth, Armagh, and Downe for the time being, who are hereby nominated and appointed truſtees of the ſaid roads, and the ſurvivors of them, they or any five or more of them, or ſuch perſon or perſons as they or any five or more of them ſhall authoriſe and appoint, ſhall and may erect or cauſe to be erected one or more gate or gates, turnpike or turnpikes, in, upon, or croſs any part or parts of the ſaid highways and roads, and alſo a toll-houſe or toll-houſes, and there ſhall demand, receive, and take the tolls and duties following, before any horſe, mare, gelding, cattle, coach, berlin, chariot, calaſh, chaiſe, chair, waggon, wain, cart, or other carriage ſhall be permitted to paſs through the ſame, viz. for every coach, berlin, chariot, calaſh, chaiſe, or chair, drawn by ſix horſes or more, the ſum of two ſhillings and ſix pence; for every coach, berlin, chariot, calaſh, chaiſe, or chair, drawn by four horſes, the ſum of one ſhilling and ſix pence; and for every coach, berlin, chariot, calaſh, chaiſe, or chair, drawn by two horſes, one ſhilling; for every waggon, wain, cart, or carriage with four wheels, the breadth thereof being nine inches at the ſole, and the ſtreaks thereof ſet on with flat or roſe-headed nails, drawn by three or more horſes, four pence; for every waggon, wain, cart, or carriage with two wheels, the breadth thereof being nine inches at the ſole, and the ſtreaks thereof ſet on with flat or roſe-headed nails, two pence; for every waggon, wain, or cart with four wheels narrower than nine inches ten ſhillings; for every waggon or wain with two wheels, narrower than nine inches, having two or more horſes, five ſhillings; for every carr or cart having but one horſe, mare, or gelding, the breadth of the wheels thereof being

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three inches at the ſole, and the ſtreaks thereof ſet on with flat or roſe-headed nails, one penny halfpenny; for every carr or cart with wheels narrower than three inches at each and every turnpike gate in this kingdom one ſhilling; for every carriage commonly called a chair or chaiſe with one horſe, mare, or gelding, ſix pence; for every horſe, mare, gelding, mule, or aſs, laden or unladen, and not drawing, one penny, except horſes, mares, geldings, mules, or aſſes laden with turf, and not drawing; and for every horſe, mare, gelding, mule, or aſs, laden with turf only, and not drawing, one halfpenny; for every drove of oxen or neat cattle the ſum of one ſhilling and eight pence by the ſcore, and ſo in proportion for any greater or leſſer number; for every drove of calves, hogs, ſheep, or lambs, the ſum of ten pence by the ſcore, and ſo in proportion for any greater or leſſer number; and for every horſe, mare, gelding, cattle, coach, berlin, chariot, calaſh, chaiſe, chair, waggon, wain, cart, carr, or other carriage, travelling on Sundays from ſun-riſe to ſunſet double the aforeſaid tolls; which ſaid reſpective ſum and ſums of money ſhall be demanded and taken in the name of or as a toll or duty; and the money, ſo to be raiſed as aforeſaid, is and ſhall hereby be veſted in the ſaid truſtees; and the ſame and every part thereof ſhall be paid, applied, diſpoſed of, and aſſigned to and for the ſeveral uſes, intents, and purpoſes, and in ſuch manner, as is herein after mentioned and directed; and the ſaid truſtees, or any five or more of them, are hereby impowered by themſelves, or any perſon or perſons by them or any five or more of them under their hands and ſeals thereunto authorized, to levy the toll or duty hereby required to be paid upon any perſon or perſons, who ſhall after demand made thereof neglect or refuſe to pay the ſame, by diſtreſs of any horſe or horſes, or other cattle or goods, upon which ſuch toll or duty is by this act impoſed, or upon any other of the goods and chattles of ſuch perſon and perſons, who ought to pay the ſame, and may detain and keep the ſame, until ſuch toll or duty with the reaſonable charge of ſuch diſtraining or keeping ſhall be paid; and it ſhall be lawful to and for ſuch perſon or perſons ſo diſtraining after the ſpace of four days after ſuch diſtreſs made and taken to ſell the goods ſo diſtrained, returning the overplus (if any be) upon demand to the owner thereof, after ſuch toll, duty, and reaſonable charges for diſtraining and keeping the ſame ſhall be deducted and paid.

III. And be it further enacted by the authority aforeſaid, That out of the firſt money ariſing from the profits of the ſeveral turnpikes to be erected the ſaid truſtees, or any five or more of them, ſhall firſt pay and diſcharge the expence of procuring

curing this act of Parliament, and of erecting such turnpike or turnpikes, or building such toll-house or toll-houses; and from and after such charges and expences shall be fully satisfied and paid, that then and from thenceforth the profits arising and the toll to be collected at any turnpike or turnpikes to be erected or set up on the said road leading from the town of Dundalk in the county of Lowth to Bann-bridge in the county of Down, shall be applied for the payment of the debts now due, and the interest thereon, and towards the amending and repairing of the said road only, and not elsewhere.

IV. And be it further enacted by the authority aforesaid, That the said road so leading from Dundalk to Bann-bridge aforesaid, shall be divided into two parts; and that so much of the said road, as lies between the said town of Dundalk and the town of Newry, shall hereafter be distinguished and known by the name of the Southern division of the said road; and so much thereof as lies between the said town of Newry and Bann-bridge, shall hereafter be distinguished and known by the name of the Northern division of the said road.

V. And be it further enacted by the authority aforesaid, That if any person or persons whatsoever, owning, renting, or occupying any land near unto any turnpike to be erected in pursuance of this act, shall for gain, reward, or otherwise permit any person or persons whatsoever to pass through any gate, passage, or way, with any coach, berlin, chariot, calash, chaise, or chair, waggon, wain, cart, carr, or other carriage, or riding or driving any horse, ass, or mule, or any sort of cattle, to avoid the payment of the toll hereby appointed to be paid, and being thereof convicted upon oath before the said trustees, or any five or more of them, or before any one or more justice or justices of the peace for the county wherein such offence or offences shall be committed, (who are hereby impowered and required to administer such oath) shall forfeit and pay to the trustees authorized to put this act in execution the sum of ten shillings, to be levied by distress and sale of the offenders goods by warrant under the hand and seal or under the hands and seals of the said trustees, or any five or more of them, or such justice or justices, rendering the overplus to the owner, if any be, the charges in taking and disposing of the said goods being first deducted.

VI. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said trustees, or any five or more of them, to erect one or more gates, turnpike or turnpikes, on the side of the said highways or roads cross any lane or way leading out of the said road, and toll-house or toll-houses, and

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there to receive and take ſuch toll as is appointed by this act to be taken; ſo as the ſame do not extend to a double charge in caſe of paſſing through any other of the turnpikes to be erected by virtue of this act from the ſaid town of Dundalk to the town of Newry.

VII. Provided always, That no gate or turnpike be erected or placed upon the ſaid road nearer to the ſaid town of Dundalk than one mile and an half.

VIII. And be it enacted by the authority aforeſaid, That the ſaid truſtees, or any fifteen or more of them, at their firſt meeting or any ſucceeding meeting by writing under their hands and ſeals ſhall and may elect, nominate, and appoint one or more fit perſon or perſons to be treaſurer or treaſurers, collector or collectors, of ſuch money in the name of ſuch toll or duty, as ſhall be due and payable by virtue of this act, and alſo one or more fit perſon or perſons to be ſurveyor or ſurveyors to ſee the condition of the ſaid highway or road, and to ſee that the ſame be repaired and amended, and that the money ariſing and expended by virtue of this act be duly applied; and from time to time to remove ſuch treaſurers, collectors, and ſurveyors, or any or either of them, as they ſhall ſee occaſion, and appoint new ones in caſe of death or of ſuch removal; and ſuch perſon or perſons, as is or are by this act liable to pay the ſaid toll or duty, is and are hereby required to pay the ſame after the rates aforeſaid to the ſaid treaſurer or treaſurers, collector or collectors of the ſaid toll or duty in that behalf from time to time appointed as aforeſaid for receiving the ſaid toll or duty; and ſuch ſurveyor or ſurveyors as aforeſaid ſhall upon oath, if thereto required by the truſtees, or any five or more of them, or before one or more juſtice or juſtices of the peace reſiding near the highway or road aforeſaid, (which oath ſuch truſtees, or any three or more of them, or ſuch juſtice or juſtices, is and are hereby impowered and required to adminiſter) on the firſt Tueſday in every month, or oftner if required, during the continuance of this act give in a true, exact, and perfect account in writing under their reſpective hands of all monies, which he and they, and every or any of them, ſhall to ſuch time have received, paid, and diſburſed by virtue of this act by reaſon of their reſpective offices, for which oath no fee or reward ſhall be taken; and in caſe any money ſo received ſhall remain in their or any of their hands, the ſame ſhall be paid to the ſaid truſtees, or any five or more of them, or to ſuch perſon or perſons, as the ſaid truſtees, or any five or more of them (as they are qualified to act) ſhall by any writing or writings under their hands and ſeals authorize and impower to receive the ſame which ſhall be diſburſed and laid out in amending the ſaid highways or roads according to the true intent and meaning of this act, and not

otherwiſe; and the ſaid truſtees or any five or more of them, to whom ſuch account ſhall be given, ſhall and may out of the money ariſing by the toll or duty make ſuch allowance unto the ſaid treaſurer or treaſurers, collector or collectors, ſurveyor or ſurveyors, for and in conſideration of his and their care and pains reſpectively taken in the execution of his and their office and offices, and to ſuch other perſon or perſons, who have been or ſhall be aſſiſting in and about procuring the ſaid highways and roads to be amended and repaired by advancing or laying out any money or otherwiſe relating thereunto, as to them ſhall ſeem good; ſo as ſuch allowance or allowances to ſuch treaſurer or treaſurers do not annually exceed in the whole the ſum of thirty pounds, and to ſuch ſurveyor or ſurveyors the ſum of two ſhillings by the day during ſuch time or times as he and they ſhall be reſpectively employed in the repair of the ſaid roads, and ſo as ſuch allowance or allowances to any other perſon or perſons, who ſhall be employed by virtue of this act, does not exceed the ſum of fifteen pounds yearly to each perſon; and in caſe the ſaid treaſurer or treaſurers, collector or collectors, of the aforeſaid toll or duty, or any of them, ſhall not make ſuch account and payment unto ſuch perſon or perſons according to the orders and directions of the ſaid truſtees, or any five or more of them, as aforeſaid, that then the ſaid juſtices of the peace at any ſpecial ſeſſions or meeting of them to be holden for the county, in which the ſaid treaſurer or treaſurers, collector or collectors, have acted or been employed, and made ſuch default as aforeſaid, ſhall and are hereby required and impowered to make enquiry and finally to determine of and concerning ſuch default as well by confeſſion or examination upon oath of the ſaid parties themſelves, as by the teſtimony of one or more credible witneſs or witneſſes upon oath, which oath they are hereby impowered and required to adminiſter without fee or reward; and if any perſon or perſons ſhall be convicted thereof by ſuch juſtices, the ſaid juſtices ſhall upon ſuch conviction commit the party or parties to the common gaol of the county, where ſuch offences ſhall be committed, there to remain without bail or mainprize until he or they ſhall have made a true and perfect account and payment as aforeſaid.

IX. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid ſurveyor and ſurveyors, and ſuch perſon or perſons as he or they ſhall appoint, to dig, raiſe, gather, take, and carry away any gravel, furze, ſand, ſtones, or other materials out of the ſeveral grounds of any perſon or perſons, not being an orchard, yard, planted walk or walks, or avenue to an

houſe, where any ſuch materials are or may be found, and from time to time to carry away ſuch and ſo much thereof as the ſaid ſurveyor or ſurveyors in their reſpective places ſhall adjudge neceſſary for the repairing and amending the ſaid highways and roads, paying ſuch rates for ſuch materials to the owner or occupier of the ground from whence the ſame ſhall be digged, raiſed, gathered, and carried away, as the truſtees appointed or to be appointed to put this act in execution ſhall adjudge reaſonable; and in caſe of any difference between ſuch owner or occupier and the ſaid truſtees touching the damage aforeſaid, the judges of aſſize at the next general aſſizes and general gaol delivery to be holden in the county, where ſuch materials ſhall be digged, raiſed, or gathered, and from whence the ſame ſhall be carried away, may and ſhall adjudge, aſſeſs, and finally determine the ſame.

X. And be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſurveyor or ſurveyors, and ſuch perſon and perſons as he or they ſhall appoint, from time to time to remove and prevent annoyances on any part of the ſaid highways or roads, hereby intended to be repaired, by filth, dung, aſhes, rubbiſh, water courſes, ſinks, or drains, running into the ſaid highways or roads, and to cleanſe any ditch or water-courſes adjoining to the ſaid roads, and to cut down, lop, or top any trees or buſhes, growing in the ſaid highways or in hedges or banks adjacent to the ſaid highways, and to take and carry away the ſame, the owners or occupiers neglecting to cut down ſuch trees or buſhes, or to remove ſuch annoyances for the ſpace of ten days after notice in writing given for that purpoſe under the hands of five of the ſaid truſtees, the charges whereof ſhall be reimburſed to the ſaid ſurveyor or ſurveyors by ſuch owners or occupiers neglecting to cut down the ſaid trees or buſhes, or to remove ſuch other annoyances as aforeſaid; and if after removal of any ſuch annoyances as aforeſaid any perſon or perſons ſhall again offend in like kind, every ſuch perſon or perſons ſo offending, and being thereof convicted upon oath before one or more juſtice or juſtices of the peace for the county where ſuch offence ſhall be committed, ſhall for every ſuch offence forfeit and pay unto the ſaid truſtees ten ſhillings, to be levied in manner aforeſaid.

XI. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid ſurveyor or ſurveyors by order of the ſaid truſtees, or any five or more of them, to make or cauſe to be made cauſeways, and to cut and make drains, through any grounds lying contiguous to the ſaid roads, and to erect

arches

arches of brick, timber, or ſtone thereupon, and alſo to widen any of the narrow parts of the ſaid highways or roads to the breadth of forty two feet in the clear by opening, clearing, and laying into the ſaid highways or roads any ground of any perſon or perſons lying contiguous to ſuch highways or roads, not being an orchard, yard, planted walk, or avenue to an houſe, and alſo to cauſe ditches or trenches to be made in ſuch places and in ſuch manner, as ſuch ſurveyor or ſurveyors by order of the ſaid truſtees, or any five or more of them, ſhall adjudge neceſſary for the better amending and keeping of the ſaid highways or roads in good repair, making ſuch reaſonable ſatisfaction to the owner or occupier of ſuch ground, which ſhall be ſo laid in or unto the ſaid highways or roads, through which any ſuch drain or drains ſhall be cut, or on which any ſuch arch or arches ſhall be made, for the damages which he or they ſhall or may thereby ſuſtain, as ſhall be aſſeſſed and judged by the next going judge or judges of aſſize, or by the juſtices of the peace, or the major part of them at the next general aſſizes or quarter ſeſſions to be holden for the county, in which ſuch ground ſhall be laid into the ſaid highways or roads, and through which any ſuch drain or drains, ditch or ditches, ſhall be cut or made, or on which ſuch arch or arches ſhall be erected or made, or cauſeways made, in caſe of any difference concerning the ſame; and if any owner or occupier of any water courſe, ditch or ditches, adjoining to the ſaid highways or roads, ſhall neglect or refuſe to ſcour or clean ſuch water courſes, and to make ſuch ditches ſo deep and in ſuch manner, as the ſurveyor or ſurveyors ſhall adjudge proper and convenient, after eight days notice ſhall be given for that purpoſe by ſuch ſurveyor or ſurveyors to be appointed by him or them, to ſuch owner or owners, it ſhall and may be lawful to and for the ſurveyor or ſurveyors to ſet any man or men to work to ſcour, or cleanſe, and make the ſame, and by warrant from any five or more of the ſaid truſtees to levy the charge thereof upon the perſons goods or eſtate of the owner or owners, occupier or occupiers, of ſuch watercourſes, ditch or ditches, by diſtreſs and ſale of his, her, and their goods and chattles, rendering the overplus (if any be) to the ſaid owner or occupier after all charges paid.

XII. And whereas the ſaid highway or road leading from the ſaid town of Dundalk through the towns of Newry and Loughbrickland to Bannbridge, may be conſiderably ſhortened or made much more convenient for travellers, if the ſame were carried ſtreight or in a more convenient line to avoid ſteep hills, where the ſame is now crooked or hilley: for remedy whereof, and that all juſt and reaſonable ſatisfaction may be given for the land made uſe of in making the ſaid road,

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be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid truſtees, or any fifteen or more of them, to aſcertain, deſcribe, and ſet apart ſuch a part and proportion of the land adjoining or contiguous to the ſaid highway or road, not being an orchard, yard, planted walk or walks, or avenues to a houſe, as they the ſaid truſtees, or any fifteen or more of them, ſhall judge neceſſary for carrying the ſame ſtraight or in a more convenient line; and the ſaid truſtees, or any fifteen or more of them, are hereby further authorized and empowered to treat and agree with the owners and others intereſted in the ſaid ground, to be made uſe of in altering and making the ſaid roads as aforeſaid for ſuch recompence and ſatisfaction to be made for the ſame out of the tolls and duties ariſing by virtue of this act, as the ſaid truſtees, or any fifteen or more of them ſhall think fit and reaſonable; and in caſe any perſon or perſons ſhall neglect or refuſe to treat and agree as aforeſaid, or through any diſability by nonage, coverture, or ſpecial limitation in any ſettlement or ſettlements, or by reaſon of any other impediment cannot, or howſoever refuſe to diſpoſe of their reſpective intereſts in ſuch land, as the ſaid truſtees, or any fifteen or more of them, ſhall think fit for the ſhortening or making more convenient the ſaid road, in every ſuch caſe the ſaid truſtees, or any fifteen or more of them, are hereby authorized and empowered to iſſue forth their warrant or warrants to the ſheriff or ſheriffs of the county, wherein ſuch ground doth lie, to impannel and return before the ſaid truſtees, or any fifteen or more of them, at ſuch time and place within the ſaid county as ſhall be appointed in ſuch warrant or warrants, a ſufficient jury; who upon their oaths (which oath the ſaid truſtees, or any five or more of them, are hereby impowered and required to adminiſter) ſhall enquire into the true and real value of ſuch ground to be made of for the ſaid highway or road; and ſuch verdicts or inquiſitions as ſhall be ſo found and returned by the ſaid jury aſcertaining the value of ſuch ground, ſhall be final and concluſive as well to the ſaid truſtees as to the ſeveral and reſpective owners and proprietors of ſuch ground, notwithſtanding any diſability or incapacity whatſoever.

15 truſtees may borrow on ſecurity of the toll, and applied to ſame uſes.

XIII. And foraſmuch as the moneys ſo to be collected by ſuch receipt of the ſaid toll will not at preſent be ſufficient for the ſpeedy amending and repairing of the ſaid highways or roads, and for paying the ſums now due on the ſaid road: be it further enacted by the authority aforeſaid, That the ſaid truſtees, or any fifteen or more of them, ſhall and may and are hereby empowered from time to time by writing under their reſpective hands and ſeals to aſſign over the ſaid ſeparate toll

or duty hereby granted, or any part thereof, the coſts and charges whereof to be borne and paid out of ſuch ſeparate toll or duty, for any term or time during the continuance of this act, as a ſecurity for the ſums of money now due, or for any ſum or ſums of money by them to be borrowed for that purpoſe, to ſuch perſon or perſons, or their truſtees, who ſhall advance and lend the ſame, to ſecure the repayment thereof with lawful intereſt, or leſs if the ſame can be ſo had: which ſaid money borrowed ſhall be applied and diſpoſed of, as the toll or duty is by this act to be applied and diſpoſed of, and to no other uſe or purpoſe whatſoever.

And iſſue warrants for payment of intereſt,

XIV. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid truſtees, or any fifteen or more of them, from time to time during the continuance of this preſent act to make out warrants or orders in writing under their hands, directed to the treaſurer of the ſaid tolls, thereby requiring him to pay thereout to the perſon or perſons named in ſuch warrant or order, their executors, adminiſtrators, and aſſigns, the growing intereſt of the ſum of money mentioned in ſuch warrant or order, as the ſame ſhall from time to time become due, until ſuch time as the principal ſum mentioned in ſuch warrant or order ſhall be paid off and diſcharged: provided that no warrant or order, to be iſſued to the ſaid treaſurer by virtue of this act, ſhall be for any greater ſum than one hundred pounds.

no warrant above 100l.

Transferable by indorſement,

XV. And be it further enacted by the authority aforeſaid, That all and every perſon and perſons, to whom ſuch warrants or orders ſhall be given, his, her, or their executors or adminiſtrators, may by indorſements on ſuch orders or receipts transfer the right and benefit of the ſum mentioned in ſuch warrants or orders; which indorſements upon notice to the treaſurer of the ſaid tolls, and entry or memorial thereof made in a book to be kept for that purpoſe (which the ſaid treaſurer ſhall upon requeſt without charge, fee, or reward make accordingly, and ſhall on requeſt permit the ſame to be viewed at reaſonable hours without fee or reward) ſhall intitle the indorſee or aſſignee, his or her executors, adminiſtrators, or aſſigns, to the ſole benefit of the ſum transferred or aſſigned; and that the ſaid warrant or order may in like manner be aſſigned or transferred by ſuch aſſignee, his and her executors or adminiſtrators, and ſo *toties quoties*; and that after ſuch aſſignment it ſhall not be in the power of the perſon or perſons, who made ſuch aſſignment, to make void, releaſe, or diſcharge the ſaid aſſignment, or the ſum thereby transferred or aſſigned, or any part thereof.

not afterwards in power of aſſignor.

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Warrants arithmetically numbered.

XVI. And be it further enacted by the authority aforeſaid, That the treaſurer of the ſaid tolls ſhall arithmetically number all the warrants or orders, which ſhall be given or delivered out in purſuance of this act, as they ſhall be delivered out, commencing by number one, and ſo continuing the numbers till the whole be arithmetically numbered.

XVII. And be it further enacted by the authority aforeſaid, That the ſeveral tolls and duties hereby made payable ſhall be applied and paid to the diſcharge of the intereſt of the money now due, and of ſuch money as ſhall be borrowed in purſuance of this act, and towards the repairing the ſaid roads, and that all the ſurplus of the ſaid tolls and duties hereby made payable, over and above what ſhall be ſufficient to diſcharge the ſaid intereſt and repair the ſaid roads, ſhall be applied in diſcharge of the principal money now due, or that ſhall be ſo borrowed, in the manner hereafter mentioned, *(viz.)* that when and as often as ſuch ſurplus received by the ſaid treaſurer ſhall amount to the ſum of two hundred pounds, that then the ſaid treaſurer ſhall cauſe the number of all the warrants or orders, which have been iſſued or ſhall be iſſued and delivered out in purſuance of this act, and the ſum therein contained, to be written on ſeveral tickets or pieces of parchment, and to be rolled and ſealed up and put into a box or urn, and well mixed together, and an indifferent perſon ſhall publickly between the hours of ten and twelve o'clock in the forenoon of a day, to be by the ſaid treaſurer publickly advertized in the Dublin Gazette for that purpoſe at leaſt twenty days before, at the ſaid town of Newry, draw out of the ſaid box or urn as many of the ſaid tickets or pieces of parchment, as the ſums therein contained ſhall amount to the ſaid ſum of two hundred pounds; and the perſon or perſons, the number of whoſe warrants or orders ſhall be ſo drawn, his or their executors, adminiſtrators, or aſſigns, ſhall, within twenty days after the ſaid warrants or orders ſhall be drawn, be paid by the ſaid treaſurer the principal ſums to him or them reſpectively due with the intereſt for the ſame till paid, and ſhall upon payment thereof deliver up his and their ſeveral and reſpective warrants or orders to the ſaid treaſurer to be cancelled, which he is hereby required to cancel accordingly; and the intereſt payable by virtue of ſuch warrants or orders ſhall ceaſe from the expiration of twenty days, to be accounted from the day of drawing the ſaid tickets or pieces of parchment.

XVIII. Provided always, That in caſe there ſhall be more than one gate or turnpike acroſs or on the ſide of the ſaid highway or road between the ſaid towns of Dundalk and Newry, no perſon or perſons having paid the ſaid toll or duty at the

firſt gate or turnpike, through which ſuch perſon or perſons ſhall paſs, and producing a note or ticket that the ſaid toll or duty was paid, (which note or ticket the receiver or receivers, collector or collectors, is and are hereby required to give *gratis*) ſhall be liable to pay any toll or duty at any other of the ſaid gates or turnpikes upon the ſaid highway or road between Dundalk and Newry, ſuch perſon or perſons delivering the ſaid note or ticket to the ſaid receiver or receivers, collector or collectors, of the ſaid toll or duty at the latter gate or turnpike between Dundalk and Newry the ſame day, and no perſon or perſons having occaſion to paſs the place or places where the toll or duty is taken, and who ſhall return the ſame day upon or with the ſame horſe, mare, or gelding, aſs, mule, cattle, coach, chariot, berlin, chaiſe, chair, calaſh, waggon, cart, car, or other carriage, except carts and cars with wheels narrower than three inches, ſhall be liable or compellable the ſame day to pay the ſaid toll or duty more than once on the ſame road; and alſo that no perſon or perſons having paid the ſaid toll or duty at the firſt gate or turnpike, through which ſuch perſon or perſons ſhall paſs between Newry and Bann bridge, and producing ſuch note or ticket as aforeſaid, ſhall be liable to pay any toll or duty at any other of the ſaid gates or turnpikes upon the ſaid highway or road between Newry and Bann bridge, ſuch perſon or perſons delivering the ſaid note or ticket to the receiver or receivers, collector or collectors, of the ſaid toll or duty at the latter gate or turnpike between Newry and Bann bridge the ſame day: but it is the true intent and meaning of this act, that every perſon ſhall pay twice on the ſame day, in caſe he ſhall travel over more of the ſaid road, than is contained in one diviſion of the ſame.

XIX. And for preventing frauds and abuſes in the ſaid toll or duty be it further enacted by the authority aforeſaid, That if any perſon or perſons having paid the toll or duty by this act granted and made payable, and having ſuch note or ticket, notes or tickets, as hereby directed, ſhall give or diſpoſe of the ſame to any perſon or perſons in order to avoid the payment of the ſaid toll or duty, every ſuch perſon giving, diſpoſing, or offering, and the perſon receiving, ſuch note or ticket, notes or tickets, and being thereof convicted upon oath before the ſaid truſtees, or any five or more of them, or before any one or more juſtice or juſtices of the peace for the county, wherein ſuch offence or offences ſhall be committed (which oath the ſaid truſtees and the ſaid juſtice or juſtices are hereby impowered to adminiſter) ſhall reſpectively forfeit and pay the ſum of ten ſhillings, to be levied, recovered, and diſpoſed of, as any other penalty or forfeiture is directed to be levied, recovered, and diſpoſed of by this act.

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XX. And be it further enacted by the authority aforeſaid, That the ſaid truſtees, or any five of them, may and are hereby impowered from time to time, as they ſhall ſee convenient or think fit, to compound or agree by the year or otherwiſe with any perſon or perſons uſing to travel through the turnpike or turnpikes, to be erected, with any milch cows, horſe, mare, or gelding, aſs, or mule, or with any coach, berlin, calaſh, chaiſe, chair, waggon, cart, car, or other carriage, for any ſum or ſums of money, to be paid quarterly from time to time after ſuch agreement ſhall be made.

XXI. Provided alſo, and it is hereby declared, That no perſon ſhall be charged with any of the tolls or duties aforeſaid, who ſhall paſs through any of the turnpikes to be erected by this act, who ſhall carry any quantity of ſtones, gravel, or other materials for repairing the ſaid roads, or any of the roads in the pariſhes in which the ſame do lie, or in any of the neighbouring pariſhes; nor ſhall any perſon or perſons be chargeable with the ſaid toll or duty for any carts, cars, or waggons, loaded with corn in the ſtraw only, nor for any ploughs, harrows, or other implements of huſbandry, in order to the uſing or repairing of the ſame in the ſeveral pariſhes, in which the ſaid highways or roads hereby intended to be repaired do lie; nor ſhall any toll or duty be demanded or taken at any of the turnpikes to be erected for any horſe, mare, gelding, aſs, or mule, or other cattle going to water, or for any poſt horſe carrying the mail or packet, or of ſuch horſe as is or ſhall be uſed only to ride on by the owner or driver of the waggon, cart, or carriage, (provided ſuch horſe paſs through the ſaid turnpike or turnpikes with ſuch waggon, cart, or carriage) nor ſhall any toll or duty be demanded or taken for the horſes of ſoldiers paſſing, that are upon their march, or for waggons, carts, cars, or other carriages attending them, or for horſes, waggons, carts, cars, or other carriages travelling with vagrants ſent by paſſes, or with priſoners tranſmitted from one part of the kingdom to another.

XXII. And be it further enacted by the authority aforeſaid, That the toll or duty hereby granted ſhall take place and have continuance from and after the firſt day of May in the year of our Lord one thouſand ſeven hundred and ſixty four for and during the term of forty one years.

XXIII. Provided nevertheleſs, That if at any time before the expiration of the ſaid term of forty one years all parts of the

ſaid roads ſhall be ſufficiently amended and repaired, and ſo adjudged by the majority of the ſaid truſtees, appointed or hereafter to be choſen by virtue of this act, then upon and after ſuch adjudication made and repayment of ſuch money, as as ſhall have been advanced or borrowed, with intereſt for the ſame, and the coſts and charges thereof, the tolls and duties ſhall ceaſe and determine, any thing herein contained to the contrary notwithſtanding.

XXIV. And be it further enacted by the authority aforeſaid, That for the continuing a ſufficient number of fit and able perſons to be truſtees for putting in execution all and every the powers in this act contained for and during the continuance thereof it ſhall and may be lawful to and for the ſaid truſtees, or any fifteen or more of them, upon the death of any of the ſaid truſtees herein appointed by name or upon their or any of their removal or refuſing to act in the ſaid truſt, by any writing or writings under their hands and ſeals from time to time and at all times hereafter during the term aforeſaid to elect, nominate, and appoint in the room of ſuch truſtee or truſtees ſo deceaſed, removed, or refuſing to act, ſo many more fit and able perſon or perſons living in the ſaid counties of Lowth, Armagh, or Down, to be joined with the ſaid truſtees in the execution of all and every the power and powers in them repoſed by virtue of this act; and all and every perſon and perſons ſo to be choſen truſtee or truſtees to join in putting this act in execution, as they are herein before qualified to do, ſhall and may and are hereby impowered to act to all intents and purpoſes in as full, large, and ample manner, as the ſaid truſtees are by this act impowered to do, and ſo *toties quoties* as often as occaſion ſhall require.

XXV. And be it further enacted by the authority aforeſaid, That the ſaid truſtees, or any fifteen or more of them, ſhall meet at the ſaid town of Newry on the ſecond day of June next, and the ſaid truſtees then ſhall adjourn themſelves, and afterwards meet at any other place or places near the ſaid highway or road to be repaired, that the ſaid truſtees or any five or more of them ſhall think proper and convenient, as often as it ſhall be neceſſary for the putting this act in execution, except in ſuch caſes where a greater number is expreſly required by this act; and that the ſaid truſtees, or any five or more of them, ſhall meet at the ſaid town of Newry on the firſt Monday in the month of April, the firſt Monday in the month of May, and the firſt Monday in the month of June, in every year during the term aforeſaid for the granting money to amend and repair the ſaid roads, and for

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the doing any other neceſſary buſineſs; and that no money ſhall be granted at any board for amending or repairing the ſaid road, unleſs it ſhall appear by the affidavit of two credible perſons, that ſuch ſum is neceſſary to repair or make ſo many perches at the rate of ſo much by the perch, and that a ſmaller ſum will not be ſufficient to repair the ſame; and no money ſhall be paid by the treaſurer to any overſeer, unleſs the ſaid overſeer maketh oath before ſome juſtice of the peace or before a board of the ſaid truſtees, that the ſaid ſum hath been faithfully and honeſtly expended in amending or repairing ſo many perches of the ſaid road, and for his wages being ſo much by the day, and that he did attend the ſaid work diligently and carefully, and ſhall produce to the ſaid juſtice or to the ſaid board an exact account of the number of men, horſes, and cars employed each day at the ſaid work, and ſhall ſwear to the truth of the ſaid account; and then and not before the ſaid juſtice or the ſaid board ſhall give an order to ſuch overſeer on the treaſurer for the payment of the amount of the ſaid account; and if it ſhall happen, that there ſhall not appear at any meeting, which ſhall be appointed to be had and held by the ſaid truſtees, a ſufficient number of truſtees to act at ſuch meeting, and to adjourn to any other day, then and in ſuch caſe the clerk to the ſaid truſtees by notice in writing to be fixed at their reſpective gates or turnpikes at leaſt twenty days before the next meeting, ſhall appoint the ſaid truſtees to meet at the houſe, where the meeting of the ſaid truſtees was laſt appointed to be had, or at ſome other convenient houſe near the ſaid roads; and that the ſaid truſtees at their firſt meeting and at other ſubſequent meetings ſhall defray their own charges and expences.

XXVI. Provided always, and be it further enacted by the authority aforeſaid, That no perſon or perſons, appointed by this act a truſtee or truſtees for putting this act in execution, ſhall have or accept of any place or profit ariſing out of or by reaſon of the toll or duty by this act laid or granted, but ſuch perſon or perſons ſhall be incapable from the time of accepting and continuing to enjoy ſuch place of profit of acting as a truſtee.

XXVII. And be it further enacted by the authority aforeſaid, That if any ſuit ſhall be commenced againſt any perſon or perſons for any thing done in purſuance of this act, that in every ſuch caſe the action ſhall be laid in the ſaid counties of Lowth, Armagh, or Down, or one of them, and not elſewhere; and the defendant or defendants in ſuch action or actions to be brought may plead the general iſſue, and give this act and the ſpecial matter in evidence at any trial to be had thereupon,

thereupon, and that the ſame was done in purſuance and by the authority of this act; and if it ſhall appear ſo to be done, or that ſuch action or actions ſhall be brought in any other county, that then the jury ſhall find for the defendant or defendants; and upon ſuch verdict, or if the plaintiff ſhall be nonſuited or diſcontinue his action, after the defendant or defendants ſhall have appeared, or if on any demurrer judgment ſhall be given againſt the plaintiff, the defendant or defendants ſhall and may recover treble coſts, and have the like remedy for the ſame, as any defendant or defendants hath or have in any other caſes by law. A. D. 1763.

XXVIII. And be it further enacted by the authority aforeſaid, That this act ſhall be deemed, adjudged, and taken to be a publick act, and be judicially taken notice of as ſuch by all judges, juſtices, and other perſons whatſoever without ſpecially pleading the ſame.

CHAP. XXXII.

An Act for altering, amending, and making more effectual the Laws for the Repair of the Road leading from the City of Dublin through the Towns of Kilcullen and Carlow to the City of Kilkenny.

WHEREAS an act paſſed in the third year of the reign of his late Majeſty king George the ſecond, intituled, *An act for repairing the road leading from the city of Dublin to Kilcullen bridge in the county of Kildare:* and another act paſſed in the ſeventh year of his ſaid Majeſty's reign, intituled, *An act for making more effectual the ſaid act, paſſed in the third year of his ſaid Majeſty's reign, and for repairing the road leading from Kilcullen bridge to the town of Kilcullen in the ſaid county of Kildare:* and alſo one other act paſſed in the ſaid fifth year of his late Majeſty's reign, intituled, *An act for repairing the road leading from the town of Kilcullen in the county of Kildare to the city of Kilkenny:* and a further act paſſed in the ninth year of the reign of his ſaid late Majeſty, intituled, *An act to explain, amend, and make more effectual the ſaid act paſſed in the fifth year of his ſaid Majeſty's reign:* and whereas it is found by experience, that the tolls and duties heretofore granted and made payable by the ſaid ſeveral acts of parliament paſſed for repairing the road leading from the city of Dublin through the towns of Kilcullen and Carlow to the city of Kilkenny, have not been ſufficient to pay the intereſt of the debts contracted for making the ſaid roads, and alſo to keep the ſame in ſufficient order and repair; and that notwithſtanding the ſame the ſaid road is now in a ruinous condition, and the ſaid acts have not effectually anſwered the purpoſes intended thereby; 3 G. 2. 18. 7 G. 2. 16. 5 G. 2. 18. 9 G. 2. 24.

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and it is found expedient to make the ſeveral proviſions herein after mentioned for the more effectually amending and repairing ſaid road, and keeping the ſame in good order and repair, and for the ſecuring the debts now due, or which ſhall hereafter become due, to the honeſt and fair creditors of the ſaid road: be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of May in the year of our Lord one thouſand ſeven hundred and ſixty four the ſeveral truſtees, named and appointed in and under the ſaid former acts, except as herein after mentioned, and the truſtees herein after named and appointed, or any ſeven or more of them, in their and each of their reſpective diviſions, or ſuch perſon or perſons as ſhall be by them, or any ſeven or more of them, reſpectively authorized or appointed, ſhall and may from the time aforeſaid for and during the continuance of the ſaid former acts and this preſent act demand, take, and receive reſpectively in lieu of the tolls and duties to be collected by virtue of the ſaid former acts the reſpective tolls and duties following; and the ſaid ſeveral and reſpective perſons are hereby reſpectively impowered to levy the ſaid tolls, by this act charged and appointed to be collected and received; (that is to ſay) the ſaid truſtees, named and appointed by and under the ſaid former acts for making and repairing the road leading from the city of Dublin to the town of Kilcullen, or any ſeven or more of them, or ſuch perſon or perſons as ſhall be by them or any ſeven or more of them authorized or appointed, ſhall receive the tolls and duties following, before any horſe, mare, gelding, aſs, or mule, cattle, coach, berlin, chariot, calaſh, chaiſe, chair, waggon, wain, cart, car, or other carriage, ſhall be permitted to paſs through the ſame, (*viz.*) for every coach, berlin, chariot, calaſh, chaiſe, or chair, drawn by ſix horſes, geldings, mares, or mules, two ſhillings; and for every coach, berlin, chariot, calaſh, chaiſe, or chair, drawn by four horſes, geldings, mares, or mules, one ſhilling and ſix pence; and for every coach, berlin, chariot, calaſh, chaiſe, or chair, drawn by two horſes, geldings, mares, mules, or aſſes, nine pence; for every waggon, wain, cart, or carriage with four wheels, five ſhillings; for every waggon, wain, cart, or carriage with two wheels, drawn by two or more horſes, geldings, mares, mules, aſſes, or beaſts of draft, three ſhillings; for every waggon, wain, cart, or carriage with two wheels, drawn by two horſes, geldings, mares, mules, aſſes, or beaſts of draft, ſix pence; for every carriage commonly called a chair or chaiſe, drawn by one horſe, gelding, mare, or mule, four

Truſtees in ſaid former acts, ſave as &c. and thoſe after named, or any 7, in their diviſions to take toll, in lieu of the former,

from Dublin to Kilcullen,

a coach, &c. and 6 horſes, 2s.

4 horſes, 1s. 6d.

2 horſes 9d.

4 wheeled carriages 5s.

2 wheeled and 2 or more horſes 3s.

1 horſe chaiſe 4d. cars, &c. 1½d.

four pence; for every cart, car, or other carriage, having but one horſe, mare, gelding, mule, aſs, or beaſt of draft, three half pence; for every horſe, mare, gelding, mule, aſs, or beaſt of burthen, drawing, laden or unladen, three half pence; for every drove of oxen, cows, or neat cattle, two ſhillings and ſix pence by the ſcore, and ſo in proportion for any greater or leſſer number: for every drove of calves, hogs, ſheep, goats, or lambs, one ſhilling and three pence, and ſo in proportion for any greater or leſſer number; and for every carriage, wherein ſhall be carried or borne any mill-ſtone, two ſhillings and ſix pence; and that the ſaid truſtees, herein after in this preſent act named and appointed for making and repairing the road, leading from the town of Kilcullen to the town of Carlow, or any ſeven or more of them, or ſuch perſon or perſons as ſhall be by any ſeven or more of them authorized or appointed, ſhall receive the tolls or duties following, before any horſe, mare, aſs, mule, cattle, coach, berlin, chariot, calaſh, chaiſe, chair, waggon, wain, cart, car, or other carriage ſhall be permitted to paſs through the ſame, *(viz.)* for every coach, berlin, chariot, calaſh, chaiſe, or chair, drawn by ſix horſes, geldings, mares, or mules, two ſhillings; and for every coach, berlin, chariot, calaſh, chaiſe, or chair, drawn by four geldings, mares, or mules, one ſhilling and ſix pence; and for every coach, berlin, chariot, calaſh, chaiſe, or chair, drawn by two horſes, mares, geldings, aſſes, or mules, one ſhilling; for every waggon, wain, cart, or carriage with four wheels, five ſhillings; for every waggon, wain, cart, or carriage, with two wheels, drawn by three or more horſes, geldings, mares, mules, aſſes, or beaſts of draft, three ſhillings; for every waggon, wain, cart, or carriage of two wheels, drawn by two horſes, geldings, mares, mules, aſſes, or beaſts of draft, ſix pence; for every carriage, commonly called a chair or chaiſe, drawn by one horſe, gelding, mare, or mule, ſix pence; for every cart, car, or other carriage, having but one horſe, mare, gelding, mule, aſs, or beaſt of draft, two pence, except cars and other carriages laden with turf only, and drawn by one horſe, gelding, mare, mule, aſs, or beaſt of draft, which are hereby excepted from any of the ſaid tolls; for every horſe, mare, gelding, mule, or aſs, with any perſon riding thereon, two pence; for every horſe, mare, gelding, mule, or aſs, laden or unladen, and not drawing or having any perſon riding thereon, three halfpence; for every drove of oxen, cows, or neat cattle, two ſhillings and ſix pence, and ſo in proportion for any greater or leſſer number; for every drove of calves, hogs, ſheep, goats, or lambs, one ſhilling and three pence by the ſcore, and ſo in proportion for any greater

oxen 2s. and 6d. per ſcore, calves, &c. 1s. and 3d.

a millſtone 2s. and 6d.

from Kilcullen to Carlow,

a coach, &c. and 6 horſes 2s.

4 horſes, 1s. and 6d.

2 horſes 1s.

4 wheeled waggons, &c. 5s.

2 wheeled and 3 or more horſes 3s.

2 wheeled and 2 horſes 6d.

1 horſe chaiſe 6d.

cars, &c. 2d. ſave with turf,

a horſe, &c. and rider 2d. otherwiſe 1½d.

a drove of oxen, 2s and 6d.

calves, &c. 1s. and 3d. *per* ſcore,

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or leſſer number; and for every carriage, whereon ſhall be carried on or borne any mill-ſtone, two ſhillings and ſix pence; and that the ſaid truſtees, named and appointed under the ſaid former acts for making and repairing the road, leading from the town of Carlow to the city of Kilkenny, or any ſeven or more of them, or ſuch perſon or perſons as ſhall be by them, or any ſeven or more of them, authorized and appointed, ſhall receive the ſame tolls and duties, herein before particularly appointed and directed to be paid to the truſtees, named and appointed in this preſent act as aforeſaid, for making and repairing the road leading from the town of Kilcullen to the town of Carlow, or any ſeven or more of them, or ſuch perſon or perſons as ſhall be by them, or any ſeven or more of them, authorized or appointed, before any horſe, mare, gelding, aſs, mule, cattle, coach, berlin, chariot, calaſh, chaiſe, chair, waggon, wain, cart, car, or other carriage, ſhall be permitted to paſs through the ſame: which ſaid reſpective ſum and ſums of money ſhall be demanded and taken reſpectively in the name of or as a reſpective toll or tolls; and the money to be thereby raiſed and collected is and ſhall be reſpectively veſted in the ſaid reſpective truſtees according to their and each of their reſpective diviſions; and the ſame and every part thereof ſhall be applied and diſpoſed of to and for the ſeveral uſes, intents, and purpoſes, and in ſuch manner, as by the ſaid former acts and this preſent act are particularly mentioned and declared with reſpect to each particular and reſpective diviſion.

millſtone 2s. and 6d. from Carlow to Kilkenny as from Kilcullen to Carlow,

the toll veſted in the reſpective truſtees,

and applied as by this and the former acts.

II. And be it further enacted by the authority aforeſaid, That the tolls or duties hereby granted ſhall take place from and after the firſt day of May next, and have a continuance thenceforth for and during the term of forty one years, and from thence to the end of the then next ſeſſion of Parliament, for the intents and purpoſes in this preſent and ſaid former acts mentioned.

Continuance 41 years from 1 May next.

III. And whereas the truſtees of ſaid road leading from Kilcullen to Carlow, not being able to raiſe money on the credit of the ſaid road, were obliged to contract with John Dillon eſquire, deceaſed, for the making of the ſaid road on very unreaſonable and extravagant prices by the perch, on condition the ſaid John Dillon would take debentures for the ſame on the ſaid road; and accordingly the ſaid John Dillon made moſt or a conſiderable part of the ſame, and had debentures ſtruck to him, or to perſons for his uſe or benefit, to a very large amount; and the ſaid Dillon, or thoſe deriving under him, have aſſigned or otherwiſe transferred the ſaid debentures to ſeveral perſons for ſums of money, conſiderably leſs than the ſums contained in the ſaid

debentures,

debentures, which they accepted of, knowing that the ſaid Dillon, and thoſe deriving under him, obtained the ſaid debentures in manner aforeſaid, and notwithſtanding the ſame the ſaid ſeveral perſons now claim to be creditors on the ſaid road for the whole ſums contained in the ſaid debentures, and have received conſiderable ſums of money as the intereſt of the ſaid debentures at the high rate of ſix pounds by the hundred by the year: and whereas the ſaid road is become ruinous, and the tolls of the ſame are by no means ſufficient to keep the ſaid road in repair, and pay the intereſt of ſo large a debt, and the following perſons, who are honeſt and fair creditors on the ſaid road for a conſiderable ſum of money, to wit, the repreſentatives of Samuel Fairbrother for the ſum of one thouſand two hundred and ſeventeen pounds fourteen ſhillings and ten pence, William Brown eſquire for a ſum of one hundred and twenty five pounds, Maurice Keating eſquire for a ſum of one hundred pounds, the repreſentatives of Thomas Aſhe eſquire for a ſum of fifty pounds, Alexander Sparrow for a ſum of ſeventy five pounds, John Cheny for a ſum of twenty five pounds, William Ryves eſquire for a ſum of twenty five pounds, and Thomas Welſh for a ſum of twenty five pounds, or thoſe deriving under them, have a great arrear of intereſt due to them on their ſaid debts, and have not been paid but a very ſmall matter on account of the ſaid intereſt for ſeveral years paſt: be it enacted by the authority aforeſaid, That the perſons herein after named, and none other, ſhall be the truſtees for putting this preſent act and the ſaid former acts, paſſed in the fifth and ninth years of his late Majeſty's reign, into execution with reſpect to that part or diviſion of the ſaid road, leading from the ſaid town of Kilcullen to the ſaid town of Carlow (that is to ſay) the marquiſs of Kildare, earl of Drogheda, earl of Milltown, lord Baltinglaſs, the right honourable John Ponſonby ſpeaker of the honourable houſe of commons, the honourable Benjamin Burton, ſir Fitzgerald Aylmer baronet, ſir Kildare Dixon Burrowes baronet, ſir Richard Butler baronet, Richard Fitzgerald eſquire, Arthur Pomeroy eſquire, Thomas Butler eſquire, William Burton eſquire, Maurice Keating eſquire, Beauchamp Bagnall eſquire, John St. Leger eſquire, Thomas Eyre eſquire, Edward Stratford eſquire, John Bourke eſquire, Redmond Morres eſquire, Richard Leving eſquire, Arthur Jones Nevill eſquire, Maurice Keating the younger eſquire, John Burrows eſquire, Henry Bunbury eſquire, Benjamin Bunbury eſquire, George Graydon eſquire, Robert Fiſh eſquire, Robert Brown of Carlow eſquire, Samuel Yates eſquire, the reverend Robert Dixon Burrows, Thomas Bunbury eſquire, the reverend Cadogan

Truſtees named from Kilcullen to Carlow, for this act and 5 *G.* 2. 18. and 9. *G.* 2. 24.

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dogan Keating, the reverend John Batty, James Dexter eſquire, Richard Nelſon eſquire, Thomas Vincent eſquire, Henry Boyle Carter eſquire, Thomas Ryves eſquire, James M'Roberts eſquire, Walter Bagot eſquire, John Rochfort the younger eſquire, John Bailie eſquire, William Brown the younger eſquire, Thomas Bunbury of Kill eſquire, Abell Wall eſquire, William Viccars eſquire, John Hamilton eſquire, William Stewart eſquire, Edward Wall eſquire, James Hamilton eſquire, William Brereton eſquire, Thomas Duckett gentleman, John Higginbotham gentleman, John Humphry gentleman, Benjamin Haynes the younger gentleman, James Welding gentleman, Jonas Duckett gentleman, Richard Shackleton gentleman, Joſeph Taylor gentleman, Benjamin Haughton gentleman, Ephraim Boak gentleman, and William Duckett and William Walters gentlemen, and all his Majeſty's juſtices of the peace for the ſeveral counties through which the ſaid road runs; and the ſaid truſtees herein before named ſhall be and are hereby ſeverally and reſpectively inveſted with all the powers and authorities, in the ſaid former acts and this preſent act given and enacted with reſpect to that part or diviſion of the ſaid road from the town of Kilcullen to Carlow, to all intents and purpoſes in the ſaid acts mentioned, as if the ſame powers and authorities, granted and given by the ſaid acts, were herein again repeated and enacted in the body of this preſent act, any thing in the ſaid former acts contained to the contrary notwithſtanding.

The tolls thereout diſcharged from all debentures or ſecurities, ſave to particular creditors named.

IV. And be it further enacted by the authority aforeſaid, That the ſaid road leading from Kilcullen to Carlow, and the tolls ariſing thereout, be and are hereby abſolutely freed and for ever diſcharged of and from all mortgages, debentures, or ſecurities heretofore ſtruck or given by the ſaid truſtees of the ſaid road, and of and from all intereſt due or claimed to be due on the ſame, except debentures and ſecurities given or ſtruck to and for the ſaid Samuel Fairbrother for the ſaid ſum of one thouſand two hundred and ſeventeen pounds fourteen ſhillings and ten pence, Maurice Keating for the ſaid ſum of one hundred pounds, William Brown for the ſaid ſum of one hundred and twenty five pounds, Thomas Aſh for the ſaid ſum of fifty pounds, Alexander Sparrow for the ſaid ſum of ſeventy five pounds, John Cheney for the ſaid ſum of twenty five pounds, William Ryves for the ſaid ſum of twenty five pounds, and Thomas Welſh for the ſaid ſum of twenty five pounds.

11 truſtees may examine claims, and ſtrike new debentures for ſums really advanced, at 5 *per cent.*

V. Provided always, That the ſaid laſt mentioned truſtees in this preſent act named, or any eleven or more of them, ſhall have full power and authority, and are hereby required, to look into and examine the accounts of all and every perſon or perſons, who

who now have a claim to be intitled to any ſuch debenture or debentures, or other ſecurities, except as aforeſaid, and to ſtrike new debentures or give new ſecurities in favour of ſuch perſon or perſons for all ſuch ſum or ſums of money, as ſhall appear to the ſaid laſt mentioned truſtees, or any eleven or more of them, to have been really advanced or laid out in the repair of the ſaid road, or for paſſing the ſaid acts; or, in caſe the ſaid debentures or ſecurities, or any of them, ſhall appear to have been aſſigned to pay any perſon or perſons for valuable conſideration, alſo to ſtrike new debentures or give new ſecurities in favour of ſuch aſſignees for ſuch ſum or ſums of money, as ſhall appear to be really and *bona fide* advanced upon ſuch aſſignment or aſſignments with intereſt at the rate of five pounds for the hundred by the year for ſuch ſum and ſums from the reſpective times the ſame were ſo advanced, or laid out, or aſſigned as aforeſaid, the ſaid perſon or perſons giving credit for ſuch ſums as they have received on account of the ſame.

No intereſt upon intereſt,

VI. Provided always, That ſuch intereſt ſhall not become any part of the principal ſum or ſums in the ſaid debenture or debentures, hereby impowered to be ſtruck, ſo as to bear or carry any intereſt for the ſaid intereſt; and in caſe any perſon or perſons ſhall think him, her, or themſelves aggrieved by any account, act, or determination, made or ſettled by the ſaid truſtees in the premiſſes, it ſhall and may be lawful to and for any perſon or perſons, intereſted in the premiſſes, to apply in a ſummary way by petition to any court of equity in this kingdom; which court ſhall ſtate and ſettle ſuch accounts, and hear and determine the matters complained of; and that all accounts ſtated, and determination to be made in the premiſſes, ſhall be final and concluſive to all parties: provided ſuch appeal be brought within ſix months after ſuch determination of the ſaid truſtees.

appeal in 6 months by petition to court of equity,

Tolls applied to intereſt for creditors, and to repair of the roads,

VII. And be it further enacted by the authority aforeſaid, That the tolls and duties, hereby made payabe and directed to be raiſed and levied on the ſaid reſpective diviſions or parts of the ſaid road leading from Dublin to Kilkenny as aforeſaid, ſhall be applied and paid to the diſcharge of the intereſt of the ſaid debts ſo due to the creditors of the ſaid reſpective diviſions or parts of the ſaid road, except the debts due as aforeſaid to the ſaid John Dillon, and the intereſt of ſuch further and other ſum or ſums as ſhall be hereafter borrowed for the uſe of the ſaid ſeveral and reſpective diviſions or parts of the ſaid road, and after payment of the ſaid intereſt towards repairing and amending the ſaid ſeveral and reſpective diviſions or parts of the ſaid road; and that all the ſurplus of the ſaid tolls and duties hereby made payable as aforeſaid, over and above what ſhall be ſufficient to diſcharge

ſurplus to diſcharge principal.

A. D. 1763. Chap. 32.

diſcharge the ſaid intereſt, and to amend and repair the ſaid road, ſhall be applied towards the diſcharge of the principal of the ſaid debts, except the debt due as aforeſaid to the ſaid John Dillon, and of ſuch further and other ſums as ſhall hereafter be borrowed as aforeſaid, in manner as in the ſaid ſeveral acts of Parliament and this preſent act are directed and appointed.

Intereſt not above 5 *per cent.*

VIII. And be it further enacted by the authority aforeſaid, That from and after the firſt day of May one thouſand ſeven hundred and ſixty four no debentures, mortgages, or ſecurities whatſoever, made a charge or ſtruck, or which ſhall hereafter be made a charge or ſtruck, upon all or any part of the tolls and duties of all or any part of the ſaid road leading from the city of Dublin through the towns of Kilcullen and Carlow to the city of Kilkenny, ſhall bear or pay a higher intereſt than at the rate of five pounds by the hundred by the year.

IX. And whereas the truſtees of the ſaid ſeveral diviſions or part of the ſaid road, leading from the city of Dublin through the towns of Kilcullen and Carlow to the city of Kilkenny have contracted with ſeveral perſons for the amending and keeping in repair the whole or a conſiderable part of the ſaid road at very high prices, and the ſaid contractors have not amended and kept in repair the ſaid roads, as they ought to have done, by means whereof it is now become neceſſary to give the ſaid road or the greateſt part thereof a thorough repair; and it is found expedient to reſcind all the ſaid contracts and leaſes of the tolls of every part of the ſaid road: be it therefore enacted by the authority aforeſaid, That all leaſes or demiſes of all or any part of the tolls or duties, or contracts whatſoever for the amending or keeping in repair all or any part of the ſaid road, leading from the city of Dublin through the towns of Kilcullen and Carlow to the city of Kilkenny, from and after the ſaid firſt day of May one thouſand ſeven hundred and ſixty four be, and the ſame is, hereby declared null and void, to all intents and purpoſes whatſoever; and that all contracts for keeping any part of the ſaid road from Dublin to Kilkenny in repair for any term exceeding one year ſhall be hereafter made upon ſuch public notice, poſting, and cant, as is particularly directed by the act of Parliament herein after mentioned of the twenty third of his late Majeſty's reign, with reſpect to the making any leaſe or demiſe of the tolls or duties of any turnpike road in this kingdom.

Leaſes of tolls and contracts for repair made void,

contracts for repair above 1 year to be on publick notice and cant as by 23 *G.* 2. 16. *ſec.* 4.

X. And be it enacted by the authority aforeſaid, That it ſhall and may be lawful for the ſaid truſtees, or any ſeven or more of them, in their ſaid ſeveral and reſpective diviſions or parts of the ſaid road leading from Dublin to Kilkenny as aforeſaid, to erect toll-gates on any part of the ſaid road, where in their

Gates reſpectively erected by 7 truſtees,

their diſcretion they ſhall think moſt proper and convenient; and the ſaid truſtees or any ſeven or more of them, are hereby required to meet in their ſaid reſpective diviſions on the firſt Monday in the months of April, May, and June in every year in order to grant money for the repairing and amending of the ſaid road in the ſaid reſpective diviſions, and for the doing any other neceſſary buſineſs relative to the ſaid road; and that no money ſhall be granted at any board for the amending and repairing any part of the ſaid road, unleſs it ſhall appear upon the affidavit of two credible perſons, that it is neceſſary to make or repair ſo many perches of the ſaid road at the rate of ſo much by the perch, and that a ſmaller ſum will not be ſufficient to amend or repair the ſame; and no money ſhall be paid by any treaſurer to any overſeer, unleſs the ſaid overſeer maketh oath before ſome juſtice of the peace, or before the board to conſiſt of ſeven of the ſaid truſtees at leaſt, that the ſaid ſum hath been faithfully and honeſtly expended in mending or repairing ſo many perches of the ſaid road, and for his wages, being ſo much a day, and that he did attend the ſaid work diligently and carefully, and ſhall produce to the ſaid truſtees or to the board an exact account of the number of men, horſes, and cars, employed each day at the ſaid work, and ſhall ſwear to the truth of the ſaid account; and then, and not before, the board ſhall give an order to ſuch overſeer or the treaſurer for the payment of the amount of the ſaid account.

to meet 1ſt Monday in April, May, or June yearly.

no grant of money, unleſs on affidavit, by 2 that leſs will not be ſufficient to repair ſo many perches.

nor payment to overſeer unleſs on oath and exact account.

XI. And be it enacted by the authority aforeſaid, That an act made in the twenty third year of the reign of his late Majeſty King George the ſecond, intituled, *An act for the more effectual amending and keeping in repair the ſeveral turnpike roads in this kingdom, and for the better ſecuring the creditors of the ſaid road*, and the ſaid four former recited acts, and all and every the powers and authorities, articles, rules, penalties, and clauſes, except what are hereby altered, ſhall be of full force and effect, and ſhall continue, and be executed, and be obſerved by the ſaid ſeveral truſtees and their ſucceſſors in their ſaid ſeveral and reſpective diviſions for and during the continuance of this preſent act.

23 *G.* 2. 16. and the ſaid 4 former acts (ſave as altered) continued during this act.

XII. And be it enacted by the authority aforeſaid, That this preſent act ſhall be deemed, adjudged, and taken to be a publick act, and ſhall be judicially taken notice of as ſuch by all judges, juſtices, and all other perſons whatſoever without ſpecially pleading the ſame.

A publick act.

CHAP. XXXIII.

An Act to prevent Frauds in the tanning of Hides, in the currying of Leather, and the making of Shoes and Boots.

WHEREAS ſeveral frauds have been committed in the tanning and drying of hides for exportation, which is a great injury in trade: for remedy whereof be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame,

Hides trimmed before put into the tan-pit,

That from and after the firſt day of September one thouſand ſeven hundred and ſixty four every tanner, or other perſon employed in the tanning of hides, ſhall fleſh the hide of every cow, ox, and bull, intended to be tanned by him, in a clean merchantable manner, and ſhall alſo cut out the ears by the roots, and ſhall cut off the britch-piece, the noſe and lips, and the dew claws, before he ſhall put ſuch hide into the tann-pit; and every perſon offending in any of the above particulars ſhall forfeit for every hide, which ſhall not be ſo trimmed, the ſum of two ſhillings and ſix pence, to be recovered as herein after is mentioned.

penalty 2s. and 6d. each.

No tanned hide expoſed to ſale, unleſs the tanner's name and abode, &c. ſtamped on the collet.

II. And be it enacted by the authority aforeſaid, That from and after the time aforeſaid no tanner or other perſon ſhall expoſe to ſale any tanned hide, unleſs the firſt letter of the chriſtian name and ſir name at length, and the town in or near which he lives, in large and legible characters, of the tanner of ſuch hide ſhall be ſtamped on the collet of ſuch hide; and, if the ſame be the hide of a bull, unleſs the word (bull) be ſtamped on the collet of the ſame; and every perſon, offending in any of the ſaid laſt mentioned particulars, ſhall for every tanned hide, ſo expoſed to ſale without being ſtamped as aforeſaid, forfeit the ſum of two ſhillings and ſix pence, to be recovered in the manner herein after mentioned.

penalty 2s. and 6d. each.

Sold for export only at ſome publick crane in Dublin,

III. And be it enacted by the authority aforeſaid, That from and after the time aforeſaid it ſhall not be lawful for any perſon or perſons to buy or ſell any tanned hide or hides for exportation within the city of Dublin, or the liberties thereunto adjoining, unleſs at ſome publick crane which is now uſed or ſhall hereafter be appointed for weighing of leather; and that every perſon, who ſhall ſell any tanned hide or hides for exportation at any other place within the ſaid city, or the liberties thereunto adjoining, ſhall forfeit for every hide ſo ſold the ſum of two ſhillings and ſix pence to be recovered as herein after mentioned.

penalty 2s. and 6d. every hide.

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IV. And be it enacted by the authority aforeſaid, That from and after the time aforeſaid no tanner or other perſon ſhall expoſe to ſale any tanned hide, which ſhall not be well and ſufficiently tanned and dried; and in caſe any difference ſhall ariſe between the buyer and ſeller concerning the tannage or dryneſs of any ſuch hide, the ſame ſhall be determined by two ſkilful perſons, one to be choſen by each parties; and in caſe they ſhall not agree, that then the perſon or perſons, who ſhall think him or themſelves aggrieved, ſhall apply to the lord mayor of the city of Dublin, or to the chief magiſtrate of every other place where ſuch difference ſhall happen, which ſaid lord mayor or chief magiſtrate ſhall immediately ſummon the ſaid parties as well as the ſaid referees before him, and the ſaid lord lord mayor or chief magiſtrate ſhall there name ſome one proteſtant tanner (ſuch as he ſhall think fit) as a referee along with the ſaid two perſons, who ſhall be choſen by the ſaid buyer and ſeller as aforeſaid, and ſhall ſwear the ſaid three referees to do equal juſtice between the ſaid parties; and the determination of ſuch three referees, or of any two of them, ſhall be final and concluſive to all parties; and in caſe the ſaid perſons, ſo choſen as referees by the ſaid buyer or ſeller, ſhall neglect or refuſe to obey the aforeſaid ſummons, or that they or the ſaid referees, who ſhall as aforeſaid be named by the ſaid lord mayor or chief magiſtrate, ſhall neglect or refuſe to determine ſuch difference within twenty four hours, after they ſhall be ſworn as aforeſaid, that then each and every of ſuch perſons ſo offending ſhall forfeit the ſum of twenty ſhillings ſterling, to be levied by warrant under the hand and ſeal of the ſaid lord mayor or ſuch chief magiſtrate of the goods of ſuch offender, and to be by ſuch lord mayor or chief magiſtrate paid over to the churchwardens of the pariſh, where ſuch difference firſt aroſe, to be diſtributed among the poor of the ſaid pariſh; and the ſaid lord mayor or chief magiſtrate ſhall then name two or three perſons, ſuch as he ſhall think fit, and ſwear them as aforeſaid, to determine the diſputes aforeſaid; and in caſe any hide or hides ſhall be condemned in the manner herein before mentioned as not ſufficiently tanned or dryed, every tanner or other perſon, who ſhall have offered ſuch hide or hides to ſale, ſhall for every ſuch hide ſo offered to ſale forfeit the ſum of two ſhillings and ſix pence, to be recovered as herein after mentioned; and in caſe any merchant or other perſon ſhall by colluſion with any tanner or otherwiſe buy any hide or hides for exportation, which ſhall not be merchantably tanned and dryed, that ſuch merchant ſhall for every ſuch offence forfeit the ſum of two

Well tanned and dried,

difference determined by 2 referees; and, on their not agreeing, a 3d named by C. magiſtrate,

referees ſworn,

referees not obeying ſummons, or not determining in 24 hours after ſworn, penalty 20s. to the pariſh poor where the difference aroſe,

and 2 or 3 others named and ſworn by C. magiſtrate,

for every hide condemned 2s. and 6d.

and 2s. and 6d. on the buyer.

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ſhillings and ſix pence for each unmerchantable hide or hides as aforeſaid, to be recovered as herein after mentioned.

If not marked or ſtamped, or entered in craner's book, 2s. and 6d. each on exporter.

V. And be it enacted by the authority aforeſaid, That every merchant or other perſon, who ſhall attempt to export any hide or hides, not marked or ſtamped as herein before is directed, or who ſhall neglect to enter the hides ſo bought in the craner's book in their own names at length, ſhall for every ſuch hide ſo attempted to be exported, or which ſhall not be ſo entered as aforeſaid, forfeit the ſum of two ſhillings and ſix pence, to be recovered as herein after is mentioned.

Removed from the crane by buyer in 48 hours (weather permitting) penalty 1d. *per* day each hide.

VI. And be it enacted by the authority aforeſaid, That every merchant, who ſhall buy hides at the ſaid publick crane, ſhall remove the ſame from ſuch crane in forty eight hours, after the ſame ſhall be ſold to him, if the weather will permit the ſame, under the penalty of paying a penny for each hide by the day for every day, he ſhall ſuffer them to remain in the ſaid crane after the expiration of forty eight hours as aforeſaid.

No craner to buy or ſell curried leather, penalty 40s.

VII. And be it further enacted by the authority aforeſaid, That no craner, or other perſon employed by him, ſhall buy or ſell any tanned or curried leather, which ſhall be brought for ſale to the ſaid crane, under the penalty of forty ſhillings for every time he or they ſhall ſo buy or ſell; and that ſuch craner ſhall keep a publick book in ſuch crane, wherein ſhall be entered in fair and legible characters all tanned and curried leather brought to ſuch crane, with the names of ſuch perſons to whom they belong, and the name or names of the perſons who ſhould buy the ſame, under the penalty of five ſhillings for every neglect or omiſſion in this particular, to be recovered as herein after is mentioned.

craner to keep a book, and enter the leather and the parties and buyers names,

penalty 5s.

Calves ſkins or kips curried with good oil or tallow and dubbin,

VIII. And for preventing of frauds in the manufacturing of curried leather, be it enacted by the authority aforeſaid, That from and after the firſt day of Auguſt one thouſand ſeven hundred and ſixty four every currier, or perſon employed in currying calves ſkins or kips, ſhall curry the ſame with good oyl and dubbin, or tallow mixed with dubbin, and not with back, greaſe, kitchen ſtuff, or tar; and that every perſon, who ſhall curry any calve ſkin or kip otherwiſe, ſhall forfeit for every calve ſkin or kip, which ſhall not be ſo curried, the ſum of ſix pence, to be recovered as hereafter is mentioned.

penalty 6d. each.

Manufactured and trimmed, except for coach or harneſs-makers or ſadlers,

IX. And be it enacted by the authority aforeſaid, That from and after the time aforeſaid all merchants ſkins ſhall be taken down even in the heads and necks, and the fleſh ſhall be taken clean off the bodies and ſhanks of ſuch ſkins, except only ſuch leather as ſhall be dreſſed for coachmakers, harneſs-makers, or ſadlers; and that all rounded ſkins ſhall be cut off

at the eyeholes, and the ſhanks cut off at the knees; and every perſon, who ſhall not manufacture and trim ſuch ſkins in the manner herein directed (except as herein before excepted) ſhall forfeit for every calf ſkin or kip, which ſhall not be ſo manufactured, and for every rounded ſkin which ſhall not be ſo trimmed, the ſum of ſix pence, to be recovered as herein after is mentioned.

penalty 6d. each.

X. And be it enacted by the authority aforeſaid, That from and after the time aforeſaid no calves ſkins or kip ſhall be expoſed to ſale in the city of Dublin or the liberties thereunto adjoining, unleſs the ſame ſhall be dried merchantable, and plainly marked with the chriſtian and ſir-names and places of abode of the manufacturer thereof; and every perſon, who ſhall expoſe to ſale in the city of Dublin or liberties thereunto adjoining any calve ſkin or kips not dried and marked as aforeſaid, ſhall forfeit for every ſuch ſkin or kip the ſum of three pence, to be recovered as herein after is mentioned; and in caſe any difference ſhall ariſe between the buyer and ſeller concerning the drying or manufacturing any ſuch ſkins or kips at the time of the delivery thereof, ſuch difference ſhall be determined in the ſame manner, as is herein before directed with reſpect to tanned hides.

Dried and marked with manufacturer's name and abode,

penalty 3d. each,

differences determined as before.

XI. And to prevent frauds in the making of ſhoes and boots, be it enacted by the authority aforeſaid, That from and after the firſt day of Auguſt next no perſon ſhall ſell or expoſe to ſale any ſhoes or boots, unleſs the name of the maker of ſuch boots or ſhoes ſhall be ſtamped upon the inſide of the top of ſuch boots, and the inſide of the lap of ſuch ſhoes, in plain and legible characters; and in caſe any perſon ſhall ſell or expoſe to ſale any boots or ſhoes not ſtamped as aforeſaid, ſuch perſon ſhall for every ſuch pair of boots and ſhoes ſo ſold or expoſed to ſale forfeit the ſum of two pounds ſix ſhillings, to be recovered as herein after is mentioned.

Boots or ſhoes ſtamped with maker's name on inſide of the top or lap,

penalty 2l. 6s. every pair.

XII. And be it enacted by the authority aforeſaid, That the ſaid ſeveral penalties ſhall be recovered upon conviction by the confeſſion of the party or by the oath of one credible witneſs before one juſtice of the peace of the place, where the offence ſhall be committed, and ſhall be levied by way of diſtreſs upon the goods of the offender by warrant under the hand and ſeal of the juſtice, before whom ſuch conviction ſhall be, returning the overplus; the ſaid forfeitures to go to the informers.

Penalties to informer; on conviction before a juſtice where, &c. by diſtreſs on his warrant.

A. D. 1763.

CHAP. XXXIV.

An Act for the better Regulation of the Linen and Hempen Manufactures.

Amended 5 *G.* 3. 9. 13 & 14 *G.* 3. *c.* 21.

WHEREAS the ſeveral acts of Parliament herein after mentioned have been made in this kingdom for the encouragement, regulation, and improvement of the linen and hempen manufactures: (that is to ſay) an act made in the

19 *G.* 2. 6. nineteenth year of the reign of his late Majeſty King George the ſecond, intituled, *An act for repealing the ſeveral acts of Parliament made in this kingdom, for the encouragement and improvement of the hempen and flaxen manufactures, and for the better regulating, improving, and encouraging the ſaid manufactures:*

23 *G.* 2. 6. An act made in the twenty third year of the reign of his ſaid late Majeſty King George the ſecond, intituled, *An act for the further improvement and encouragement of the flaxen and hempen*

31 *G.* 2. 17. *manufactures:* An act made in the thirty firſt year of the reign of his ſaid late Majeſty King George the ſecond, intituled, *An act to prevent frauds in lappers and others, and to prevent abuſes in the manufacture of kelp, and to prevent combinations of weavers and*

33 *G.* 2. 5. *others:* An act made in the thirty third year of the reign of his ſaid late Majeſty King George the ſecond, intituled, *An act for altering and amending the laws in relation to the flaxen and hempen manufactures, and the other manufactures therein mentioned:* And

All ſaid acts repealed, ſave 1ſt *ſec.* of 19 *G.* 2. 6. whereas it is found neceſſary for the improvement of the ſaid manufactures, that ſeveral material alterations ſhould be made in the ſaid laws, and many additions made to them, and to avoid the difficulty and confuſion that may ariſe from a multiplicity of acts of Parliament relative to the ſaid manufactures, it is found expedient to repeal the ſaid ſeveral acts, and to make one new act containing all ſuch parts of the ſaid recited acts, as are proper to be continued, with ſuch alterations, amendments, and additions, as are herein after contained: be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all the ſaid acts, and every clauſe in them contained (except the clauſe in the ſaid act of the nineteenth year of the reign of his ſaid late Majeſty for repealing the ſeveral acts of Parliament therein particularly mentioned) ſhall be repealed, and made null and void.

No bad, mixed, or damnified II. And be it enacted by the authority aforeſaid, That from and after the firſt day of Auguſt one thouſand ſeven hundred

dred and ſixty four no perſon or perſons ſhall import, or cauſe to be imported, into any port or place of this kingdom any bad, mixed, or damnified flax-ſeed or hemp-ſeed upon pain of forfeiting ſuch flax-ſeed or hemp-ſeed, or the value thereof, and alſo the ſum of three pounds ſterling for every hogſhead of ſuch ſeed, and ſo in proportion for any leſſer quantity.

flax or hemp-ſeed imported on pain of forfeiture, or the value, and of 3*l.* *per* hogſhead.

III. Provided, if ſuch flax-ſeed or hemp-ſeed ſhall, before the ſame ſhall be removed or carried away from the port, where the ſame ſhall be landed, appear to be damaged or unfit for ſowing, the perſon or perſons, importing or cauſing the ſame to be imported, ſhall not be liable or ſubject to the ſaid forfeiture or penalty, in caſe he, ſhe, or they ſhall, before the ſame ſhall be carried away from the port or place, where the ſame ſhall have been landed, produce ſufficient proof before ſome juſtice of the peace or chief magiſtrate within their reſpective juriſdictions, that ſuch damage was occaſioned in the conveyance by ſea, and give ſufficient ſecurity unto ſuch juſtice of the peace or chief magiſtrate, that ſuch ſeed ſhall not be ſown, but ſhall be made into oil, or exported from this kingdom.

Unleſs before removal proof by importer of damage at ſea, and before expoſing to ſale ſecurity to make into oil or export.

IV. Provided alſo, and be it enacted by the authority aforeſaid, That if any flax-ſeed or hemp-ſeed, imported as aforeſaid, ſhall be bad, mixed, or damnified, or otherwiſe improper and unfit for ſowing, the importer thereof ſhall not be ſubject or liable to any penalty or forfeiture inflicted as aforeſaid, in caſe ſuch importer ſhall before he ſhall ſell or diſpoſe of ſuch ſeed, or expoſe the ſame to ſale, give ſuch ſufficient ſecurity as aforeſaid, that ſuch ſeed ſhall not be ſown, but ſhall be made into oil, or exported from this kingdom.

V. And that from and after the ſaid firſt day of Auguſt one thouſand ſeven hundred and ſixty four no perſon or perſons ſhall mix, or cauſe to be mixed, different parcels of flax-ſeed, or different parcels of hemp-ſeed, of the growth of different countries, or of different years, together; upon pain of forfeiting all ſuch ſeed as ſhall be ſo mixed, or the value thereof, and alſo the ſum of three pounds for every hogſhead that ſhall be ſo mixed, and ſo in proportion for any leſſer quantity.

Seed of different countries or years not mixed together,

on pain of forfeiture, or the value, and 3*l.* *per* hogſhead.

VI. And that from and after the ſaid firſt day of Auguſt one thouſand ſeven hundred and ſixty four every perſon, who ſhall ſell and deliver to any one buyer at one time four or more pecks, or any larger quantity or parcel, of flax-ſeed or hemp-ſeed for ſowing, or in order to be ſown, ſhall together with every ſuch parcel deliver to the buyer in writing a certificate ſubſcribed by ſuch perſon, expreſſing truly the quantity and price of the ſeed ſo ſold, and that the ſame was ſo ſold in order to be ſown; and, if the ſame ſhall be of foreign production, the port from whence

Repealed by 17 & 18 *G.* 3. *c.* 21. *ſec.* 1.

the ſame was imported, and the name of the country where it grew, and the year of its growth; and, if ſuch ſeed ſhall be of the produce of this kingdom, the name of the county where it grew, and the year of its growth; upon pain of forfeiting ſuch ſeed as and ſhall be ſo ſold without ſuch certificates aforeſaid, or the value or price thereof, and alſo the ſum of three pounds for every hogſhead thereof, and ſo in proportion for any leſſer quantity; and if any ſuch flax-ſeed or hemp-ſeed ſhall be of a different growth or age, from what ſhall be expreſſed in ſuch certificate, the perſon that ſhall have ſold the ſame, ſhall forfeit the price or full value thereof to the perſon, that ſhall have bought the ſame.

VII. And that from and after the ſaid firſt day of Auguſt one thouſand ſeven hundred and ſixty four no perſon or perſons ſhall ſell, or offer to ſell or expoſe to ſale, any bad, mixed, or damnified flax-ſeed or hemp-ſeed for ſowing, or in order to be ſowed, upon pain of forfeiting ſuch ſeed, or the value thereof, and alſo the ſum of three pounds ſterling for every hogſhead of ſuch ſeed, and ſo in proportion for any leſſer quantity.

Flax or hemp ſteeped only in ſtanding water or in trenches ſo near running water as to be properly ſupplied with freſh, till after 1ſt Oct. unleſs a flood ſooner to carry off impregnated water, or forfeited,

VIII. And that no flax or hemp ſhall be ſteeped or watered in any river, ſtream, or brook, or running water, but in holes or pits of ſtanding water, or in trenches or places made ſo near ſuch running water, as that they may be ſupplied with freſh water at proper times without letting any of the water impregnated by ſuch flax or hemp run into or mix with any river, ſtream, brook, or running water, until after the firſt of October in any year; unleſs there ſhall happen ſooner to be a flood ſufficiet to carry off ſuch impregnated water without corrupting ſuch running water; upon pain of forfeiting all ſuch flax and hemp, or the value thereof.

Female hemp not pulled or mixed with male,

penalty 10s. *per* 100.

IX. And that at the time of pulling the female or ſhe hemp no male hemp ſhall be pulled therewith; and that no female or ſhe hemp ſhall be mixed with the male hemp either in watering, dreſſing, or for ſale, under the penalty of ten ſhillings ſterling for every hundred weight of hemp that ſhall be ſo mixed, and ſo in proportion for any leſſer quantity, to be forfeited by the owner thereof.

Brown yarn for ſale well ſpun, in hanks not above 1lb. and a half,

divided regularly, ſeparated as reeled, one thread at a time reeled,

X. And that all brown, or unbleached, or purged linen or hempen yarn, that ſhall be ſold or expoſed to ſale within this kingdom, ſhall be well and ſufficiently ſpun, and made up into hanks not exceeding one pound and a half weight in each hank; and ſhall be regularly divided into two or more parts; and that each ſuch part in every ſuch hank ſhall be ſeparated, as the ſame ſhall be reeled, and not afterwards; and that in the reeling of ſuch linen or hempen yarn no more than one thread at a time

ſhall

ſhall be reeled; and that all the yarn contained in every ſuch hank ſhall be flaxen yarn only, or tow yarn only, or hempen yarn only, of the ſame fineneſs throughout ſuch hank; and that no ſuch yarn ſhall be combed, or damped with water, or ſalt and water, or any other ingredient to increaſe the weight thereof; and that no ſuch yarn ſhall be dried over or near a fire in order to leſſen its natural weight; and that no ſuch yarn ſhall be made up in the rope-way, but ſhall be made up in the link-way or four-fold-way, ſo that every part of ſuch yarn may be eaſily ſeen and examined; and that all brown, or unbleached, or purged linen or hempen yarn, which ſhall exceed two dozen in the pound weight, or which ſhall exceed the value of one ſhilling and ten pence the pound, ſhall be made up in hanks or dozens, each hank or dozen to conſiſt of twelve cuts, and no more; and that every ſuch cut ſhall contain one hundred and twenty threads, and no more; and that every ſuch hank or dozen ſhall be one yard and a quarter in length, and no more; and that the ſtandard-reel of this kingdom for brown or unbleached linen yarn ſhall be two yards and a half in circumference, and no more; and that all linen or hempen yarn, that ſhall be damped or dried as aforeſaid, or that ſhall not be reeled and made up according to the directions aforeſaid, ſhall be forfeited: and that if any ouncils ſhall be made uſe of in any fair or market in order to diſtinguiſh or aſcertain the ſort, or denomination, or weight of any linen or hempen yarn, exceeding in value two ſhillings the pound weight, ſuch ouncils ſhall be forfeited; and every perſon, making uſe of the ſame as aforeſaid, ſhall forfeit the ſum of ten ſhillings for every time he or ſhe ſhall ſo make uſe of the ſame.

each hank the ſame kind and fineneſs,
not damped,
nor dried near a fire,
nor made up rope way, but link or 4 fold,
if above 1s. and 10d. *per* lb. value in dozens of 12 cuts of 120 threads each, a yard and quarter long,
the ſtandard reel 2 yards and half,
ouncils in fair or market for yarn above 2s. *per* lb. forfeited, and alſo 10s.

XI. And that no perſon in making twine, ropes, or cordage, ſhall mix any old hemp or hempen yarn within new hemp, or ſhall mix or work up together any flaxen tow and hemp, or ſhall ſell or expoſe to ſale any ropes, twine, or cordage, made up of old and new hemp, or of hemp and flaxen tow, upon pain of forfeiting all ſuch ropes, twine and cordage, and alſo the ſum of ten ſhillings for every parcel of the ſame.

In ropes, twine, or cordage old hemp and new not mixed, nor flaxen tow and hemp, forfeited and 10s. *per* parcel.

XII. And that all white or unbleached thread, commonly called count thread, made of double flaxen yarn, ſhall be reeled on a reel of thirty inches or more in circumference; and ſhall be divided into ſkeins, each ſkein containing ten threads, or more; and that all threads made of double flaxen yarn, commonly called ounce thread, ſhall be reeled on a reel of thirty five inches or more in circumference; and ſhall be divided into ſkeins, each ſkein containing forty threads or more; and that all boſs, made of double flaxen yarn, ſhall be reeled on a reel of forty-two

Count thread on a reel of 30 inches, in ſkeins of 10 threads;
ounce thread on a reel of 35 inches, in ſkeins of 40 threads,
boſs on a reel of 42, in ſkeins of 50 threads

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inches or more in circumference, and ſhall be divided into ſkeins, each ſkein containing fifty threads or more.

Taylor's threads on a reel of 60, in ſkeins of 16 threads,

XIII. And that all coloured or unbleached threads, commonly called taylor's threads, ſhall be reeled on a reel of ſixty inches or more in circumference, and ſhall be divided into ſkeins, each ſkein containing ſixteen threads or more; and that every manufacturer of threads of any kind whatever ſhall write or otherwiſe affix on every package, paper, or parcel of thread, by him ſold, of the value of five ſhillings or more, his chriſtian and ſirname, and place of abode, and if reſident in the city or county of the city of Dublin, the name of the ſtreet he ſhall then reſide in.

name and abode of every thread manufacturer fixed to every parcel ſold of 5s.

Diaper inkles 33 threads, filletting 60 broad, in pieces of 36 yards,

XIV. And that all white diaper or twilled tapes made of ſingle flaxen yarn, commonly called diaper inkles, ſhall contain thirty-three threads or more in breadth, and ſhall be made up in pieces, each piece containing thirty-ſix yards, or more; and that all white diaper or twilled tapes, commonly called diaper filletting, ſhall contain ſixty threads or more in breadth, and ſhall be made up in pieces, each containing thirty-ſix yards or more; and that all white plain tapes made of ſingle flaxen yarn, commonly called chatts, inkles, or filletting, ſhall be made up in pieces, each piece containing thirty-ſix yards, or more; and that ſuch chatts ſhall contain thirteen threads in breadth, inkles ſhall contain twenty-one threads in breadth, narrow filletting ſhall contain thirty-three threads in breadth, and broad filletting ſhall contain forty-nine threads in breadth, or more; and that all cherry or red tapes ſhall be made up in pieces, each piece containing eighteen yards or more; and that all plain ſtriped tapes ſhall be made up in pieces, each piece containing twenty-four yards or more; and that all other coloured linen tapes, and ſtriped diaper or twilled tapes, ſhall be made up in pieces, each piece containing thirty-ſix yards or more; and that all braids, ferretting, and ſhoe-lace, made of flaxen yarn, or of flaxen yarn mixed with ſilk or worſted, ſhall contain in length eighteen yards or more in each piece; and that all laces made of flaxen yarn, commonly called points, and all laces made of cotton or cotton mixed with flaxen yarn or thread, ſhall contain fifteen threads or more in breadth; and that all white bobbin, made of ſingle flaxen yarn, ſhall contain twenty-four yards in each piece; and that all bobbin, made of double flaxen yarn, ſhall contain twelve yards in each piece.

chats, inkles, or filletting in pieces of 36 yards,

chats 13 threads, inkles 21, narrow filletting 33, broad 49,

red tapes in pieces 18 yards, plain ſtriped 24, other coloured tapes, &c. 36,

braids, ferretting, and ſhoe-lace 18 yards,

points and cotton laces 15 threads broad,

bobbin of ſingle yarn 24 yards each piece, of double 12.

XV. And that all tapes and bobbin, that ſhall be woven in the looms, commonly called Dutch engines, or ſwivel looms, and made in imitation of the tapes and bobbin imported from foreign parts, ſhall be made up in pieces of the reſpective lengths herein after mentioned; that is to ſay, every piece of

Holland tapes 19 yards and half, fillettings of ſingle yarn 22, fine

plain or twilled tapes made of ſingle flaxen yarn, commonly called common Holland tapes, ſhall contain nineteen yards and an half or upwards; every piece of plain or twilled fillettings, made of ſingle flaxen yarn, ſhall contain twenty two yards or upwards; and that every piece of fine plain tapes and fillettings, made of part double and part ſingle flaxen yarn, commonly called fine French tapes, ſhall contain ten yards and an half in length, or upwards; and that every piece of fine twilled diaper tapes, made of part ſingle and part double flaxen yarn, ſhall contain ten yards and one quarter in length, or more; and that every piece of bobbin, or bandſtring twiſt, made of double or ſingle flaxen yarn, ſhall contain fifteen yards in length or upwards.

French tapes 10 and half, twilled diaper tapes 10 and quarter, bobbin or bandſtring twiſt 15.

XVI. And that if any perſon ſhall ſell, or expoſe to ſale, any threads, tapes, chatts, inkles, fillettings, braids, ferrettings, ſhoelace, points, or bobbin whatſoever, that is not conformable to the lengths, breadths, and rules aforeſaid, or if the ſame ſhall be found in the cuſtody or poſſeſſion of any weaver, ſhopkeeper, petty chapman, or retailer, then, and in ſuch caſe, the ſame ſhall be forfeited to ſuch perſon or perſons, as ſhall ſeize the ſame, and inform thereof in manner herein and after mentioned.

If not made conformable forfeited.

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XVII. And that every maker of weaving-reeds ſhall equally divide all the ſplits in each and every reed by him made, or ſold, or expoſed to ſale; and ſhall likewiſe mark, or cauſe to be marked with an iron brand, or ſome proper inſtrument, in legible and durable characters, on every ſuch weaving-reed his chriſtian name, ſirname, and place of reſidence, and alſo the hundreds of ſuch reed, upon pain of forfeiting ſuch reed, or the value thereof, and alſo the ſum of twenty ſhillings for every ſuch reed not equally divided in the ſplits, or not marked as aforeſaid.

Reeds equally divided in the ſplits, and marked with maker's name, abode, and the hundreds,

or forfeited, and 20s.

XVIII. And that no linen weaver or linen manufacturer ſhall make uſe of, or keep, or knowingly ſuffer to be kept, in his houſe, or in any out-houſe, or place to him belonging, any weaving-reed, that ſhall not be equally divided into ſplits and marked as aforeſaid, upon pain of forfeiting every ſuch reed to be broken, and alſo the ſum of ten ſhillings ſterling for every ſuch reed.

And 10s. by every linen weaver uſing or keeping a reed not marked, &c.

XIX. And that every linen weaver or linen manufacturer ſhall acroſs each end of every piece of linen cloth by his journeyman, or apprentice, woven, weave, or cauſe to be woven, two coarſe threads or cords, diſtant from each other about one fourth part of an inch, and ſhall alſo write, or cauſe to be written, with pen and ink cloſe to ſuch coarſe threads or cords on each end in legible characters his chriſtian name, ſirname, and place of reſidence.

Weaver's name and abode written cloſe to 2 coarſe threads woven croſs each end of every piece; ſellers forfeit 5s. and buyers 40s. by 17 & 18 *G.* 3. c. 21. ſ. 13.

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Weaver to forfeit the full price, if yarn delivered not woven in the time and manner agreed on with owner.

XX. And that every weaver ſhall well and ſufficiently weave all ſound and ſufficient linen and hempen yarn, to him delivered to be woven, within ſuch time, and in ſuch reeds, and into cloth of ſuch breadths, as ſhall be agreed upon between the owner or owners of ſuch yarn and ſuch weaver, upon pain of forfeiting to the owner or owners of ſuch yarn the full value or the full price, agreed upon for weaving ſuch yarn.

No journeyman weaver hired without diſcharge from his laſt maſter or a magiſtrate, penalty 5l.

XXI. And that no perſon ſhall entertain any journeyman linen weaver inhabiting in this kingdom in any employment as a linen weaver, unleſs ſuch journeymen linen weaver ſhall firſt produce to the perſon about to hire him, a certificate in writing under the hand of the maſter, he laſt ſerved in this kingdom, of ſuch journeyman's being diſcharged from ſuch maſter's ſervice, or of a juſtice of peace, or chief magiſtrate, as hereafter mentioned, upon pain of forfeiting the ſum of five pounds: and that if any maſter ſhall refuſe, without juſt cauſe, to give ſuch certificate, upon complaint made thereof by ſuch journeyman to a juſtice of the peace of the county, or chief magiſtrate in any corporate town where ſuch maſter inhabits, ſuch juſtice of peace or chief magiſtrate ſhall ſend for ſuch maſter, and upon his appearance ſhall require from him the reaſon, why ſuch journeyman is refuſed his diſcharge; and in caſe ſuch maſter ſhall wilfully decline to appear before ſuch juſtice of the peace or chief magiſtrate, or upon his appearance, ſuch juſtice of the peace or chief magiſtrate ſhall find, that the cauſe of refuſal of ſuch certificate is not ſufficient, then, and in either of the ſaid caſes, ſuch juſtice of the peace or chief magiſtrate may, and is hereby required to, give to ſuch journeyman a certificate of ſuch cauſeleſs refuſal; which certificate by ſuch juſtice of the peace or chief magiſtrate ſhall be as effectual, as if a certificate had been given by ſuch maſter, and ſhall be given without fee or reward, and ſhall fully diſcharge ſuch journeyman to all intents and purpoſes; and that if any perſon ſhall forge or counterfeit any ſuch certificate, or ſhall produce any ſuch certificate, knowing the ſame to be forged or counterfeited, ſuch perſon, upon being indicted and convicted thereof, ſhall ſuffer one year's impriſonment, without bail or mainprize.

the magiſtrate's certificate, on the maſter's not appearing or cauſeleſs refuſal, an effectual diſcharge;

forging or producing forged certificate a year's impriſonment.

Weaver not to employ apprentice in other work, ſave 24 days in harveſt, penalty 10s. 2d. offence 20s. 3d. diſcharged, and fee returned.

XXII. And that no linen-weaver or linen manufacturer ſhall employ his apprentice for any unreaſonable time in huſbandry, or any other work or labour not relating to the buſineſs or trade of a linen-weaver, except only during twenty four days in harveſt in every year, upon pain of forfeiting for the firſt offence the ſum of ten ſhillings, and for the ſecond offence the ſum of twenty ſhillings, and for the third offence ſuch apprentice ſhall, and may, if he deſires the ſame, be diſcharged from ſerving the remaining

remaining time of his apprenticeſhip, and alſo have, what apprentice-fee was given by or with him to ſuch linen-weaver or manufacturer, returned to him.

Combination to fix the price of labour in any branch of any trade by ſummoning artificers, &c. to meeting, adminiſtering oath or declaration, giving a token, or menacing, 6 month's impriſonment, and thrice whipt.

XXIII. And be it further enacted by the authority aforeſaid, That if any perſon ſhall ſummon, or cauſe to be ſummoned, by writing or otherwiſe, any manufacturer, artificer, weaver, journeyman, apprentice, or labourer, uſually employed in any branch of the linen, hempen, or cotton manufacture, or in any manufacture, wherein any linen, hempen or cotton yarn or thread ſhall be mixed or wrought up, or ſhall ſummon, or cauſe to be ſummoned, by writing or otherwiſe, any manufacturer, artificer, journeyman, apprentice, or labourer, uſually employed in any other trade or manufacture, to appear at any meeting in order to conſult upon, or to enter into any rule, agreement, or combination to aſcertain or fix the price of labour or workmanſhip, or ſhall adminiſter, or cauſe to be adminiſtred, any oath or declaration to any ſuch manufacturer, artificer, weaver, journeyman, apprentice, or labourer as aforeſaid, tending to fix the price of wages of labour or workmanſhip, or ſhall iſſue, or cauſe to be iſſued, deliver, or cauſe to be delivered, any ticket, certificate, or token (other than and except ſuch ticket or certificate as ſhall or may be delivered by or by the order of the corporation, whereof ſuch manufacturer, artificer, weaver, journeyman, apprentice, or labourer, is or ſhall be a member) to any ſuch manufacturer, artificer, weaver, journeyman, apprentice, or labourer, of his being licenſed to work at his or their reſpective trade or trades, or ſhall make or join in making any rule, order, or regulation, relating to the prices or wages of labour or workmanſhip in any part or branch of the linen, hempen, or cotton manufacture, or of any manufactures made up of cotton, hemp, or linen, or wherein any hemp, linen, or cotton, are or ſhall be mixed, or in any part or branch of any other trade or manufacture, or ſhall by force, menaces, or otherwiſe, hinder or attempt to hinder any ſuch manufacturer, artificer, weaver, journeyman, apprentice, or labourer as aforeſaid, to work at his or their reſpective trade or trades, at ſuch prices as he or they ſhall agree for with his or their reſpective employers, every ſuch perſon being thereof lawfully convicted by the teſtimony upon oath of one or more credible witneſs or witneſſes, or by the confeſſion of the perſon charged with ſuch offence, before any one juſtice of the peace, or any chief magiſtrate, within their reſpective juriſdictions, (which oath ſuch juſtice or chief magiſtrate is hereby impowered and required to adminiſter,) it ſhall and may be lawful to and for ſuch juſtice and chief magiſtrate reſpectively, by warrant under his hand and ſeal, to commit the perſon or perſons ſo convicted

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convicted to gaol, there to be kept without bail or mainprize for the ſpace of ſix months; and alſo to order the perſon or perſons ſo convicted, to be three times publickly whipped at ſome publick place within the juriſdiction of ſuch juſtice of the peace or chief magiſtrate.

Like penalty on artificer, &c. taking oath or combining to fix price of wages, or not to work for a particular employer.

XXIV. And that if any ſuch manufacturer, artificer, weaver, journeyman, apprentice, or labourer as aforeſaid, ſhall take an oath, or enter into any combination or agreement, to aſcertain or fix the price of wages or workmanſhip, or take any oath, or enter into any combination, not to work for any particular maſter or maſters, employer or employers, and ſhall be thereof convicted, by the teſtimony upon oath of one or more credible witneſs or witneſſes, or by the confeſſion of the perſon charged with ſuch offence, before any one juſtice of the peace, or any chief magiſtrate within their reſpective juriſdictions (which oath ſuch juſtice or chief magiſtrate is hereby impowered and required to adminiſter) it ſhall and may be lawful to and for ſuch juſtice or chief magiſtrate, by warrant under his hand and ſeal, to commit the perſon or perſons ſo convicted to gaol, there to be kept without bail or mainprize for the ſpace of ſix months, and alſo to order the perſon or perſons ſo convicted, to be three times publickly whipped at ſome publick place within the juriſdiction of ſuch juſtice or chief magiſtrate.

Forcing into houſe or ſhop to deſtroy linen, cotton, or hempen, bay or woollen, yarn or manufacture, or the tools, or deſtroying the ſame wilfully. &c. felony without clergy.

XXV. And that if any perſon or perſons ſhall by day or by night break into any houſe or ſhop, or enter by force into any houſe or ſhop, with intent to cut or deſtroy any linen, hempen, or cotton yarn, or any linen, cotton, or hempen cloth, or any manufacture made or mixed with linen, cotton, or hempen yarn, or any tools employed in making thereof, or any bay or woollen yarn, or any manufacture wherein any bay or woollen yarn ſhall be uſed or wrought up, or any tools employed in the making thereof, or ſhall wilfully or maliciouſly cut or deſtroy any linen, or hempen, cotton, or woollen manufacture, or any manufacture made or mixed with linen, hempen, cotton, or woollen yarn, or ſhall wilfully and maliciouſly break and deſtroy any tools uſed in making or manufacturing of the ſame, not having the conſent of the owner ſo to do, every ſuch offender, being thereof lawfully convicted, ſhall be adjudged guilty of felony, and ſhall ſuffer death as in caſes of felony, without benefit of clergy.

Tools made and the trade exerciſed in any city or corporation without charge.

XXVI. And that every maker of hackles, ſpinning wheels, reels, weaving reeds, or weaving looms, and alſo every weaver or manufacturer of linen or hempen cloth, and every hackler or dreſſer of flax or hemp, ſhall and may, and is hereby authorized to exerciſe the ſaid reſpective trades in any city or

town corporate within this kingdom without any let or hindrance from any perſon whatſoever, and without being charged or chargeable with the payment of any money or duty whatſoever, for or in reſpect of his following ſuch trade or buſineſs. A. D. 1763. Chap. 34.

XXVII. And that no perſon ſhall ſell, or expoſe to ſale, any piece of plain linen cloth, being of or exceeding the ſet of fourteen hundred, made or intended to be of the denomination commonly called yard-wide, that ſhall not be when brown, and before the ſame ſhall be bleached, thirty ſeven inches and a half broad at leaſt, and which ſhall not be when bleached thirty four inches broad at leaſt, upon pain of forfeiting ſuch piece. Yard wide cloth when brown 37 inches and half broad, when bleached 34, or forfeited.

XXVIII. And that no perſon ſhall ſell, or expoſe to ſale, any piece of plain linen cloth, being of or exceeding the ſet of twelve hundred, made or intended to be of the denomination commonly called ſeven eighths wide, that ſhall not be when brown, and before the ſame ſhall be bleached, thirty two inches and a half broad at leaſt, and which ſhall not be when bleached thirty inches broad at leaſt, upon pain of forfeiting ſuch piece. Cloth of 7-8ths when brown 32 and half, when bleached 30.

XXIX. And that no perſon ſhall ſell, or expoſe to ſale, any piece of plain linen cloth, being of or exceeding the ſet of ſix hundred, made or intended to be of the denomination commonly called three quarters wide, that ſhall not be when brown, and before the ſame ſhall be bleached, twenty eight inches broad at leaſt, and which ſhall not be when bleached twenty five inches broad at leaſt, upon pain of forfeiting ſuch piece. Of 3 quarters when brown 28, bleached 25.

XXX. And that no piece of white or bleached plain linen cloth ſhall be ſold, or expoſed to ſale, that ſhall not be twenty five inches broad at leaſt, upon pain of forfeiting ſuch piece. White plain cloth 25 inches.

XXXI. And that no piece of plain linen cloth of the kind or denomination, commonly called and known by the name of Colerains, ſhall be ſold, or expoſed to ſale, that ſhall not be when brown, and before the ſame ſhall be bleached, thirty two inches broad at leaſt, or that ſhall not be when bleached thirty inches broad at leaſt, upon pain of forfeiting ſuch piece. Colerains brown 32, bleached 30.

XXXII. And that no piece of brown or unbleached plain linen cloth ſhall be ſold, or expoſed to ſale, or packed up, or entered for exportation, that ſhall not be throughout ſuch piece twenty ſix inches broad at leaſt, upon pain of forfeiting ſuch piece. Brown Plain cloth 26.

XXXIII. And that no piece of brown or unbleached plain linen cloth, or hempen cloth, or of plain cloth made of cotton yarn, or of cotton and linen yarn mixed, ſhall be ſold, or expoſed to ſale, or packed up, or entered for exportation, which ſhall be thicker or finer in the ſelvage than in the body of ſuch piece, or which ſhall not be of equal fineneſs and thickneſs Of equal fineneſs and thickneſs thro' every part.

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throughout every part of the length and breadth of ſuch piece.

Explained 5 G. 3. 9. ſ. 1.

XXXIV. And that no piece of brown or unbleached plain linen cloth of the ſet of eight hundred or upwards, ſhall be ſold, or expoſed to ſale, within the province of Ulſter, which, if thirty ſix, thirty ſeven, or thirty eight inches broad, ſhall contain any greater number of yards in length than twenty five yards, upon pain of forfeiting ſuch piece, and alſo the ſum of forty ſhillings, by the perſon ſelling or expoſing ſuch piece to ſale, or packing up or entering the ſame for exportation.

pieces of 800 ſold in Ulſter, if 36, 37, or 38 inches broad, only 25 yards long.

or forfeited and 40s.

XXXV. And that every piece of brown or unbleached linen cloth, that ſhall be brought to any fair or market, or that ſhall be ſold, or expoſed to ſale, ſhall be ſo brought, ſold, or expoſed to ſale in open folds, and no ways tied at either end or in the middle; and that every ſuch piece, excepting ſuch as are generally known by the names of Oſnaburgs or Dowlaſſes, ſhall be alſo criſped; and that every ſingle piece of ſuch linen cloth, not containing more than twenty five yards in length, ſhall be in folds not exceeding twenty ſeven inches in length in each fold; and that every double piece of ſuch linen cloth, not containing more than fifty yards in length, ſhall be in folds not exceeding thirty ſix inches in length in each fold; and that every double piece of ſuch linen cloth, containing more than fifty yards in length, ſhall be in folds not exceeding forty five inches in each fold, upon pain of forfeiting ſuch piece; and that if any perſon ſhall buy, or offer to buy any piece of brown or unbleached linen cloth in any wiſe tied, or otherwiſe than criſped, and in open folds, ſuch perſon ſhall forfeit the ſum of three pounds for every ſuch piece of cloth cloth ſo bought, or offered to be bought as aforeſaid.

Expoſed to ſale in open folds,

criſped, except Oſnaburgs and Dowlaſſes,

ſingle pieces of 25 yards only, in folds not above 27 inches long,

double of 50 only, in folds not above 36; if more than 50, in folds not above 45,

penalty on buyer 3l. *per* piece.

XXXVI. And that all linen, cotton, and hempen cloth, and all cloth mixed with linen, cotton, or hempen yarn, ſhall be meaſured between ſeal and ſeal; and that bad and inſufficient ends ſhall not be taken into the length thereof; and ſhall be bought and ſold by no other meaſure but the ſtatute-yard containing thirty ſix inches; and that no extraordinary meaſure or allowance, except the breadth of a thumb, as is now generally practiſed, to every yard in the meaſuring thereof, ſhall be made therein by the ſeller to the buyer, or required, or accepted of, or taken, by the buyer from the ſeller; and that no part of the price or value thereof ſhall be ſtopped, demanded, or received by the buyer from the ſeller, under colour of any agreement or uſage whatſoever, upon pain that every perſon ſo buying or ſelling ſuch goods contrary to the true intent and meaning of this act, ſhall forfeit all ſuch goods ſo bought or ſold, and alſo twenty ſhillings for every ſuch offence.

Cloth meaſured between ſeal and ſeal, bad ends not taken in,

by the ſtatute yard.

no allowance, ſave a thumb every yard,

no ſtoppage of the price,

or the goods forfeited, and 20s.

XXXVII. And

XXXVII. And that no perſon ſhall knowingly ſell or expoſe to ſale any piece of brown or unbleached linen or hempen cloth, any part whereof ſhall have been dyed or ſtained either in the yarn or cloth with bean-leaves, bark, lampblack, charcoal, indigo, burned ſtick, or gunpowder, or any other material which has a tendency to render the part ſo ſtained or dyed difficult to bleach, upon pain of forfeiting ſuch piece, and alſo the ſum of twenty ſhillings for every ſuch piece; and that every ſuch piece of cloth ſhall be cut into parts, not exceeding four yards in length in any one part.

If dyed or ſtained, forfeited and 20s.

cut in parts not above 4 yards long.

XXXVIII. And be it enacted by the authority aforeſaid, That no perſon in the province of Ulſter ſhall make uſe of, or have in his cuſtody or poſſeſſion, or knowingly ſuffer or permit to be kept in his houſe or place to him belonging, any glazing machine, mill, or engine for glazing or ſmoothing unbleached or brown linen, or hempen cloth, in order to make the ſame look thicker; upon pain of forfeiting every ſuch glazing machine or mill, and alſo the ſaid cloth that ſhall be ſo glazed, and alſo the ſum of three pounds.

Glazing engines in Ulſter forfeited, and the glazed cloth, and 3l.

XXXIX. And that no perſon ſhall make uſe of lime, ſoaper's dregs, or pigeon's dung, in the bleaching or whitening of linen, or hempen cloth, or linen or hempen yarn, except ſuch perſon or perſons as ſhall be particularly employed or directed for that purpoſe by the truſtees herein after mentioned, or by any five or more of them, to make uſe of lime in bleaching ſuch pieces of linen cloth, as ſhall be particularly ordered or delivered to ſuch perſon or perſons by the ſaid truſtees, or any five or more of them, for the purpoſe only of making experiments, how far lime may be ſafely and advantageouſly uſed in bleaching; upon pain of forfeiting ſuch cloth or yarn, or the value thereof, and alſo the ſum of five pounds for every piece of linen cloth, and five ſhillings for every hank of linen yarn, in the bleaching or whitening whereof any lime, ſoaper's dregs, or pigeon's dung, ſhall be uſed without ſuch directions as aforeſaid.

In bleaching no lime, ſoaper's dregs, or pigeon dung uſed, unleſs by direction of 5 truſtees,

penalty 5l. *per* piece, and 5s. *per* hank.

XL. And that no perſon ſhall mix any ſtones, ſand, or gravel amongſt kelp in the burning or manufacturing thereof, or ſhall ſell, or expoſe to ſale, any kelp adulterated with ſtones, ſand, or gravel, upon pain of forfeiting all ſuch kelp as ſhall be ſo mixed or adulterated, and alſo the ſum of three pounds for every one hundred weight thereof; and that ſuch kelp, as ſhall be ſo mixed or adulterated as aforeſaid, ſhall be broken into ſmall parts, and thrown out for manure on any land, except ſuch land as ſhall belong to the perſon determining ſuch offence.

Kelp adulterated with ſtones, ſand, or gravel, forfeited, and 3l. *per* 100,

broken for manure, but not for the land of the perſon determining.

XLI. And that it ſhall and may be lawful to and for every perſon or perſons whatſoever, being ſeized in poſſeſſion in law

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or equity of an eſtate in fee-tail, or for his life with immediate remainder over to or in truſt for his iſſue, to demiſe any part of the land whereof he or they ſhall be ſo ſeized, being no part of the demeſne uſually occupied with his or their manſion-houſe, and not exceeding fifteen acres plantation meaſure, for one or more life or lives renewable for ever, or for any term of years, at the full improved yearly value of ſuch lands to be ſet to a ſolvent tenant at the time of making ſuch leaſe, for the purpoſe of making a bleach-yard or bleach-green thereon, or of preſerving and continuing a bleach-yard or bleach-green already made thereon, and furniſhing conveniencies for the workmen and perſons employed, or to be employed therein; and in caſe the lands ſo demiſed, whereon no bleach-yard or bleach-green hath been already made, or a third part thereof, ſhall be formed into a bleach-yard or bleach-green, within three years after the making of ſuch leaſe, and a ſum or ſums of money, not leſs than ten pounds for every acre ſo demiſed, ſhall be laid out within the ſaid three years in improvements, for the purpoſe only of carrying on the bleaching buſineſs on the ſame, then, and not otherwiſe, ſuch leaſe renewable for ever, or leaſe for years, ſhall be good and effectual againſt every perſon claiming any eſtate in ſuch land as iſſue in tail, or by virtue of any limitation, remainder, or reverſion in any will or ſettlement, under which ſuch tenant in tail or for life ſhall be intitled to ſuch land at the time of making ſuch leaſe.

Tenant in tail or for life, with immediate remainder to iſſue, may demiſe 15 acres, no part of demeſne, for ever, or any term at full value for bleach-yard,

if formed in 3 years after, and 10l. *per* acre laid out, valid.

Damaging in any manner the manufacture in bleach-yards felony, and tranſportation 7 years.

XLII. And that if any perſon ſhall wilfully and maliciouſly damage any linen, hempen, or cotton cloth, or any manufacture made or mixed with linen or hempen yarn, in any bleach-yard, by making holes or rents therein, or by throwing gravel, ſand, or dirt into any rubbing-boards, furnace, or waſh-mill, which ſhall be uſed in ſuch bleach-yard, or by mixing dye-ſtuffs, or other improper materials, with the lyes or ſours which ſhall be uſed in ſuch bleach-yard, or in any other manner whatſoever; every ſuch perſon being thereof lawfully convicted upon indictment, ſhall be adjudged guilty of felony, and ſhall be tranſported as a felon to one of his Majeſty's plantations in America for ſeven years.

40s. *per* piece, 2s. *per* hank, taken in to bleach, without privity of owner of the yard.

XLIII. And that no perſon, employed to take care of, or work in any bleach-yard, ſhall fraudulently take into ſuch bleach-yard any linen, hempen, or cotton cloth, or any linen, hempen, or cotton yarn, or any manufacture mixed with any linen or hempen yarn, in order to bleach, or whiten, or otherwiſe improve the ſame, without the knowledge or privity of his, her, or their maſter or miſtreſs, or owner of ſuch bleach-yard, upon pain of forfeiting to the owner of ſuch bleach-yard the ſum of

forty ſhillings for every piece of ſuch cloth, and two ſhillings for every hank of ſuch yarn, that ſhall be fraudulently taken in as aforeſaid.

Bleachers not in 6 days informing the owner of any damage forfeit the full value.

XLIV. And that every perſon employed to take care of or work in any bleachyard, that ſhall know of any damage to have been committed with regard to any cloth or yarn in ſuch bleachyard, ſhall within ſix days after his or her knowing the ſame give true information of all, he or ſhe knows or has credibly heard concerning the ſame, to the owner of ſuch bleachyard, upon pain of forfeiting to the owner of ſuch bleachyard the full value that ſuch cloth or yarn was of immediately before ſuch damage.

Abſenting, unleſs on neceſſity or leave a week's wages.

XLV. And that no perſon employed to work in any bleachyard ſhall, during the time that he or ſhe ſhall be hired to work therein, unleſs in caſe of ſickneſs, unavoidable neceſſity, or the leave of the overſeer or the owner of ſuch bleachyard, abſent himſelf or herſelf from ſuch bleachyard upon pain of forfeiting to the owner of ſuch bleachyard for every day, that he or ſhe ſhall be ſo abſent, the full wages or hire that he or ſhe was to have for one week's work.

20s. every piece not ſtamped with bleacher's name on each end.

XLVI. And that every perſon keeping or occupying a bleachyard ſhall mark or ſtamp, or cauſe to be marked or ſtamped, in legible letters with lampblack, or vermillion, or ſtoneblue, and ſize, his or her chriſtian name, and ſirname, and place of abode, with the addition of the word Bleacher on each end of every piece of cloth by him or her bleached or whitened, before he or ſhe ſhall ſell or expoſe the ſame to ſale, or deliver the ſame to the owner thereof, upon pain of forfeiting the ſum of twenty ſhillings for every piece of cloth that ſhall be bleached by ſuch perſon, and not marked as aforeſaid.

Owner of cloth or yarn damaged in bleaching paid full value.

XLVII. That if any linen or hempen yarn, linen or hempen cloth, ſhall be damaged or abuſed in the bleaching or whitening thereof, whilſt under the care of any bleacher or bleachers for hire, ſuch bleacher or bleachers ſhall take all ſuch damaged or abuſed yarn or cloth to his or their own account, and pay the owner or owners thereof the full value, that ſuch yarn or cloth was worth when brown.

No bleachyard in Dublin or 5 miles without licence from 5 truſtees,

penalty 200l.

XLVIII. And that no perſon or perſons whatſoever ſhall keep, employ, or make uſe of any publick bleachyard within the city of Dublin, or five miles thereof without licence for that purpoſe firſt had and obtained from the truſtees herein after mentioned for the time being, or any five or more of them, on pain of forfeiting the ſum of two hundred pounds, to be paid to ſuch perſon or perſons and for ſuch uſes as the ſaid truſtees or any five or more of them ſhall think proper; and

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that no fee or reward ſhall be taken for ſuch licence or licences.

no fee for licence,

XLIX. And that all brown or unbleached linen or hempen cloth, linen or hempen yarn, that ſhall be ſold in any place in this kingdom, except in the city of Dublin or ſuburbs thereof, by any perſon or perſons other than reſident merchants or ſhopkeepers dealing in ſuch cloth or yarn, or other than and except ſuch linen or hempen yarn as ſhall be ſold in a wholeſale way (that is to ſay) in one quantity or parcel to the value of twenty pounds or upwards by one perſon, ſhall be ſold publickly in ſome open market or fair between the hours of eight of the clock in the forenoon and four of the clock in the afternoon for linen and hempen yarn, and between the hours of ten of the clock in the forenoon and four of the clock in the afternoon for brown or unbleached linen or hempen cloth, on the reſpective day or days on which ſuch market or fair is uſually held; and that if any perſon or perſons, not being a reſident merchant or ſhopkeeper or dealer in a wholeſale way as aforeſaid, ſhall ſell, or offer or contract to ſell, any ſuch cloth or yarn in any other manner than as aforeſaid, ſuch perſon or perſons ſhall forfeit ſuch cloth or yarn, or the value thereof.

Brown cloth or yarn ſold, ſave in Dublin or ſuburbs, by others than reſident ſhopkeepers ſhall be ſold in open market or fair between 8 and 4 for yarn, 10 and 4 for cloth, or forfeited,

wholeſale dealers excepted.

Sold within cuſtom gaps,

L. And be it enacted by the authority aforeſaid, That all linen yarn and linen cloth, which ſhall be hereafter ſold or bought in any fair or market, ſhall be ſold and bought within the cuſtom-gates or cuſtom-gaps of ſuch fair or market; and all linen yarn and linen cloth which ſhall be ſold or bought coming to any fair or market, and not within the ſaid cuſtom-gates or gaps, ſhall be forfeited.

or forfeited.

In Connaught 3 days before a fair allowed for buying yarn, but at Laneſborough and Stroakſtown ſix,

LI. And be it enacted by the authority aforeſaid, That three days before the day on which any fair is appointed to be held, except the fairs of Laneſborough and Stroakſtown, for which ſix days before the days on which the ſaid fairs of Laneſborough and Stroakſtown are reſpectively appointed to be held, and no longer time, ſhall be allowed for buying and ſelling linen yarn in any fairs within the province of Connaught; and if any perſon or perſons ſhall act contrary to the direction aforeſaid in buying or ſelling of linen yarn within the ſaid province, every perſon offending therein ſhall for every ſuch offence forfeit the ſum of three pounds ſterling: provided that the above limitation of time ſhall not extend to any perſon or perſons keeping open ſhop in any town, or buying and ſelling in ſuch ſhop.

penalty 3*l.*

ſhops excepted.

Dealers (ſave reſident merchants or ſhopkeepers) buying brown cloth or yarn,

LII. And that if any perſon, not being a reſident merchant or ſhopkeeper, dealing in linen or hempen yarn, or linen or hempen cloth, or cottons, or chequers, or any manufactures mixed with linen, hempen, or cotton yarn, ſhall buy by him or herſelf,

ſelf, or by any perſon or perſons in truſt for him or her, any brown or unbleached linen cloths, or brown or unbleached linen yarn, in any market or fair, or in any other place whatſoever, and ſhall ſell or offer to ſell by him or herſelf, or by any perſon or perſons in truſt for him or her, the ſame goods again in the ſame market or fair, or in any neighbouring market or fair, or in any other place whatſoever within the diſtance of thirty miles from the place, where the ſame ſhall have been bought, on the ſame day or within one month afterwards, without having firſt made ſome uſeful improvement or alteration in ſuch cloth, yarn, or manufacture, every ſuch perſon, ſelling or offering to ſell ſuch goods, ſhall be deemed a foreſtaller, hawker, or jobber of the ſame, and ſhall forfeit ſuch goods or the value thereof; and that every perſon, who ſhall buy any ſuch goods from any ſuch foreſtaller, hawker, or jobber, knowing them to have been offered to be ſold contrary to the directions aforeſaid, ſhall forfeit all ſuch goods ſo bought by him or her, or the value thereof.

and ſelling again within 30 miles the ſame day, or within a month, without improvement or alteration, deemed foreſtaller, hawker, or jobber,

goods or value forfeited,

ſo of buyers from them knowingly.

LIII. And that no piece of brown or unbleached linen or hempen cloth, bought in any fair or market, or in any other place whatſoever, ſhall be again ſold or expoſed to ſale in any fair, or market, or other place whatſoever, unleſs the perſon ſo ſelling or expoſing to ſale ſhall previous thereto have truly wrote, or cauſe to be wrote, his name with ink on the back or outſide of every ſuch piece with the addition of the word Buyer under the ſeal of the ſeal-maſter, upon pain of forfeiting every ſuch piece.

Buyer's name written before ſale again under the ſeal,

or forfeited.

LIV. And that no perſon ſhall ſell or expoſe to ſale any brown or unbleached linen or hempen cloth for hire or reward, unleſs previous to his ſelling ſuch cloth the name of ſuch perſon ſo ſelling be written in a legible manner with ink under the impreſſion of the ſeal-maſter's ſeal, made on the back of ſuch cloth, with the addition of the word Seller; and if any perſon ſhall for hire or reward ſo ſell any ſuch linen, not having his or her name written thereon as aforeſaid, he or ſhe ſhall for every ſuch offence forfeit the ſum of forty ſhillings.

So of ſellers for hire,

penalty 40s.

LV. And that no perſon ſhall ſell or agree to ſell, or buy or agree to buy, any linen yarn brought from the country to the city of Dublin, nor within three miles thereof, in order to be ſold in any place within the city of Dublin or within three miles thereof, except at the yarn market eſtabliſhed by the truſtees herein after mentioned, upon pain of forfeiting the ſum of forty ſhillings for every ſuch offence.

Yarn brought to Dublin or in 3 miles ſold only in the yarn-market,

penalty 40s

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No toll demanded for ſeed, flax, cloth, yarn, kelp, wheels, &c. in market or fair, or for paſſage, ſave turnpike,

penalty 40s.

LVI. And that no toll, cuſtom, or duty whatſoever ſhall be paid or demanded for any flax-ſeed, or hemp-ſeed, flax, hemp, or cotton, or any cloth made of linen or hempen or cotton yarn, or cloth made of linen or hempen yarn and cotton mixed, kelp, or pot-aſhes, wheels, reels, hackles, or looms, for or by reaſon of their being brought to or kept in any market or fair, or for the paſſage of them or any of them over any bridge, or through any city, town, or place whatſoever (turnpike gates only excepted) and that if any perſon ſhall demand, exact, or take any toll, cuſtom, or duty whatſoever contrary to the true intent and meaning hereof, every ſuch perſon ſo offending ſhall for every ſuch offence forfeit the ſum of forty ſhillings.

No duty on export of cloth,

or import of aſhes for bleaching, ſmalts, oil of vitriol, black ſoap, furnace, or loom, or ſeed of Ruſſia, &c.

LVII. And that no duty whatſoever ſhall be paid to his Majeſty, his heirs or ſucceſſors, for or on account of the exporting any linen or hempen cloth made or manufactured in this kingdom; and that no duty ſhall be demanded, levied, or raiſed to the uſe of his Majeſty, his heirs or ſucceſſors for or by reaſon of the importing any wood or weed-aſhes of any kind uſed in bleaching, or any blue called Smalts, or any oil of vitriol, or black ſoap, or any bleacher's furnaces, or any weaving-loom; and that no duty ſhall be demanded, levied, or raiſed to the uſe of his Majeſty, his heirs or ſucceſſors, for or by reaſon of the importing any good and ſound flax-ſeed or hemp-ſeed of the growth of Ruſſia, Germany, the Netherlands, the Eaſt-Country, or any of the Britiſh plantations in America.

Embezzling forfeit fourfold to the party.

LVIII. And that if any weaver, bleacher, carrier, ſeal-maſter, calender-keeper, lapper, or other perſon whatſoever, intruſted with any linen or hempen yarn, or any linen or hempen cloth, or any materials or working tools for manufacturing the ſame, ſhall fraudulently ſell or embezzle the ſame, or any part thereof, of the value of one ſhilling or upwards, ſuch weaver, bleacher, carrier, ſeal-maſter, callender-keeper, lapper, or other perſon, and the receiver or receivers thereof, knowing the ſame to be embezzled, ſhall forfeit to the perſon or perſons aggrieved thereby four times the value of ſuch yarn, or cloth, or materials, or working tools ſo embezzled.

Former truſtees continued.

LIX. And to the end that the ſeveral orders and regulations, herein contained for the improvement of the linen and hempen manufactures, may be effectual and carried into due execution, and that all ſuch duties and ſums of money, as are now or ſhall be hereafter directed to be applied to the uſe of the ſaid manufactures, may effectually anſwer the purpoſes, for which they are or ſhall be intended, be it enacted by the authority aforeſaid, That the ſeveral perſons, nominated and appointed for each of the four provinces of this kingdom truſtees for encouraging

couraging the ſaid manufactures purſuant to the powers in ſome of the ſaid acts contained, ſhall and may continue truſtees for encouraging the ſaid manufactures, with the powers and authorities herein after veſted in them; and that when and as often as any of the ſaid truſtees already nominated or appointed, or hereafter to be nominated or appointed, ſhall happen to die, that in ſuch and no other caſe the lord lieutenant, or other chief governor or governors of this kingdom for the time being ſhall, and may, and is and are hereby enabled from time to time to nominate and appoint ſuch other perſon or perſons to be a truſtee or truſtees for encouraging the ſaid manufactures in the place and room of ſuch of the ſaid truſtees, as are now dead, or ſhall happen to die, to be always nominated and appointed as aforeſaid for the ſame province of this kingdom, for which the reſpective perſon or perſons, now dead, or hereafter to die, was or were formerly appointed; and that the ſaid truſtees for the time being, or any five or more of them, ſhall and may from time to time, as often as they ſhall think fit, meet and aſſemble together in ſome convenient place within the city of Dublin, or liberties thereof, or county of Dublin, to ſettle and adjuſt ſuch matters as they ſhall think moſt expedient for the eſtabliſhing and carrying on the ſaid manufactures, and for preventing all frauds and abuſes that may happen in the ſame or any branch thereof; and that the ſaid truſtees for the time being, or the major part of them preſent at any ſuch meeting, ſuch major part not being leſs than ſeven in number, ſhall and may from time to time appoint during their pleaſure a clerk, door-keepers, and other neceſſary ſervants to attend them; and alſo officers, factors, and ſervants to attend and execute the buſineſs of the linen-hall, yarn-hall, flax and hemp-market, and calender-houſe, and aſcertain and direct proper ſalaries to be paid to ſuch clerk, door-keepers, ſervants, officers, and factors reſpectively, not exceeding in the whole four hundred pounds a year, to be paid out of the duties already granted, or to be hereafter granted, for the purpoſes in this act; and that the ſaid truſtees for the time being, or the major part of them preſent at any ſuch meeting, ſuch major part not being leſs than ſeven in number, or their clerk for the time being by the order of ſuch major part of them, ſhall and may enter into any contract or contracts with any perſon or perſons for the carrying on the ſaid linen and hempen manufactures, or any branch or branches thereof; which contract or contracts ſhall as to the ſaid truſtees or their clerk be binding only upon and anſwered out of the ſaid duties; and that no looms, ſpinning wheels, reels, hackles, calenders, or preſſes, or any of them, which the

on death of truſtees chief governors to appoint for the ſame province,

5 truſtees may meet in Dublin or the county to ſettle and adjuſt,

the majority, not leſs than 7, may appoint ſervants and officers, with ſalaries not above 400l. a year out of duties granted,

and contract,

anſwered out of duties,

said truſtees ſhall lend or cauſe to be lent to any perſon or perſons for carrying on the ſaid manufactures or any branch of them, being ſealed or ſtamped with the ſeal or ſtamp appointed or uſed by the ſaid truſtees for that purpoſe, ſhall be diſtrained for rent, or hearth-money, or on any other account whatſoever, or ſhall be ſeized by virtue of any proceſs or execution by any ſheriff, ſeneſchal, or bailiff, or other perſon whatſoever.

no looms, wheels, &c. lent by truſtees and ſtamped, diſtrained or ſeiſed.

Packers, ſeal-maſters, and lappers, appointed by 5 truſtees during pleaſure,

LX. And for the more effectual preventing of all frauds and abuſes in the ſaid manufactures and in every branch thereof, be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid truſtees for the time being, or any five or more of them, from time to time to licence and appoint during their pleaſure ſuch fit and proper perſons, and in ſuch places, as they ſhall judge convenient, to be packers of dreſſed hemp, or ſeal-maſters of brown or unbleached linens, or lappers of white linens; and that the ſaid truſtees for the time being, or the major part of them preſent at any ſuch meeting, ſuch major part not being leſs than five in number, ſhall and may from time to time and at all times hereafter make, conſtitute, and appoint ſuch rules, orders, and directions, (provided the ſame be not contrary to this act) for regulating, governing, and directing the ſaid linen-hall, yarn-hall, flax and hemp-market, and calender-houſe, and all cloths, yarn, flax, and hemp brought thereto, or lodged therein, and all officers, factors, and ſervants employed in or about the ſaid linen-hall, yarn-hall, flax and hemp warehouſe, or calender-houſe, and alſo for governing and directing all officers, ſervants, ſeal-maſters, and lappers, that are or ſhall be appointed by them as aforeſaid, as they the ſaid truſtees, or ſuch major part of them, ſhall think proper; and that every ſuch clerk, packer, ſeal-maſter, lapper, officer, factor, or ſervant ſo appointed ſhall be ſubject to and obſerve all ſuch rules, orders, and directions, and under ſuch fines or penalties, not exceeding twenty pounds for any one offence, as the ſaid truſtees for the time being, or ſuch major part of them, ſhall ſo as aforeſaid make, conſtitute, or appoint; and that the ſaid truſtees for the time being, or any five or more of them, may, and are hereby authorized and impowered to, take ſuch ſecurity or ſecurities by bond or otherwiſe in the name or names of any one or more of them, or in the name of their clerk for the time being, for the due obſervance of all ſuch rules, orders, and directions as aforeſaid, by every ſuch clerk, packer, ſeal-maſter, lapper, officer, factor, or ſervant reſpectively, as the ſaid truſtees for the time being, or any five or more of them, ſhall direct and appoint: and that it ſhall and may be lawful to and for the ſaid

and rules for directing the halls, market, officers, &c.

officers, &c. ſubject to ſuch rules, and fines not above 20l. one offence,

and give ſecurities for obſervance,

truſtees may adminiſter oaths to them,

ſaid truſtees for the time being, or any five or more of them, to adminiſter to every ſuch clerk, packer, ſeal-maſter, lapper, officer, factor, and ſervant reſpectively an oath for the faithful execution of their reſpective offices; and that if any complaints ſhall be made againſt any ſuch clerk, packer, ſeal-maſter, lapper, officer, factor, or ſervant for any fraud, miſbehaviour, or neglect in his ſaid office, that it ſhall be lawful to and for the ſaid truſtees for the time being, or any five or more of them, on examination upon oath of the parties, and ſuch witneſſes as ſhall appear or be produced before them (which oath the ſaid truſtees for the time being, or any five or more of them, are hereby impowered to adminiſter) finally to hear and determine the ſame, and to impoſe ſuch fine upon any ſuch clerk, packer, ſeal-maſter, lapper, officer, factor, or ſervant, not exceeding the ſum of twenty pounds for any one offence, and to be paid to ſuch perſon or perſons as the ſaid truſtees for the time being, or any five or more of them, ſhall judge proper; and that it ſhall and may be lawful to and for the ſaid truſtees for the time being to commence, proſecute, and defend in the name of their clerk for the time being any ſuit either in law or equity touching or concerning any contract or agreement, heretofore made or entered into or hereafter to be made or entered into by the ſaid truſtees, or any ſeven or more of them, or their clerk for the time being, by ſuch order as aforeſaid; and that all ſuits and proceedings in any court of law or equity in the name of ſuch clerk ſhall be as good and effectual to all intents and purpoſes, as if ſuch ſuits and proceedings had been commenced, proſecuted, defended, or carried on in the names of the ſaid truſtees, or any of them; and in caſe any bill or petition ſhall be filed or exhibited in any court of equity againſt the ſaid truſtees for the time being, or any of them, or their clerk for the time being, for or on account of any matter or thing, by the ſaid truſtees or any of them made or done in execution of the powers, authorities, or truſts heretofore or hereby veſted in them, they the ſaid truſtees or any of them ſhall not be obliged to anſwer ſuch bill or petition, but that the anſwer of ſuch clerk to ſuch bill or petition ſhall be deemed and taken to be the anſwer of the ſaid truſtees, and ſhall be binding upon them to all intents and purpoſes whatſoever; and in caſe ſuch clerk ſhall happen to die or be removed, whilſt ſuch ſuit ſhall be depending, that then and in ſuch caſe ſuch ſuit ſhall not abate by the death or removal of ſuch clerk, but ſhall be carried on in the name of the ſucceeding clerk, and ſhall ſtand to all intents and purpoſes in the ſame plight and condition, as it was immediately before ſuch death or removal; and that the ſaid truſtees,

examine and determine complaints on oath,

and impoſe fines not above 20l. one offence, payable as they think fit.

proſecute and defend ſuits on their contracts in name of their clerk,

anſwer by the clerk ſufficient,

by his death or removal no abatement,

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or any three or more of them, ſhall and may meet the firſt Monday in every month of May, Auguſt, November, and February for the purpoſe only of hearing and determining all complaints, that ſhall or may be made againſt ſuch clerk, packers, ſeal-maſters, lappers, officers, factors, or ſervants, or any of them; and ſhall and may ſit from day to day, until all ſuch complaints are finally determined; and that any perſon or perſons, who ſhall think him, her, or themſelves aggrieved by any determination of ſuch three or more of the ſaid truſtees, may at any time within one month after ſuch determination appeal to the ſaid truſtees; the determination of whom or any five of them therein ſhall be final and concluſive.

3 to meet quarterly to hear complaints,

appeal to truſtees, final by any 5.

Seal-maſters of brown cloth to examine and meaſure,

and, if merchantable, to fold,

if 25 yards, fold 27 inches,

if 50, 36,

above 50, 45,

folds not locked,

beginning from one end, not folded in,

ſeal fixed on the middle of ſuch fold,

according to the length of the piece,

a ſeal at each end,

on outſide the length and breadth,

LXI. And that every ſeal-maſter of brown or unbleached linen or hempen cloth appointed or to be appointed as aforeſaid, ſhall carefully view, examine, and meaſure every piece of linen or hempen cloth, that ſhall be produced and offered to him to be ſealed; and if the ſame ſhall appear to him to be merchantable, and to be in every reſpect conformable to the directions aforeſaid, then, and not otherwiſe, ſuch ſeal-maſter ſhall and may fold up the ſame in folds, beginning from one of the ends of ſuch piece; and if ſuch piece ſhall not contain more than twenty five yards in length, then no ſuch fold thereof ſhall exceed twenty ſeven inches; and if ſuch piece ſhall not contain more than fifty yards in length, then no ſuch fold thereof ſhall exceed thirty ſix inches; and if ſuch piece ſhall contain more than fifty yards in length, then no ſuch fold thereof ſhall exceed forty five inches; and that none of ſuch folds on either ſides ſhall be incloſed, or involved, or what is commonly called locked; and that every firſt or outſide fold of every ſuch piece ſhall begin from one of the ends of ſuch piece, and that end ſhall not in any manner be folded in; and that every ſuch ſeal-maſter ſhall affix a fair impreſſion of ſuch ſeal, as ſhall be appointed for him by the ſaid truſtees for the time being, or any five or more of them, with lampblack, or vermillion, or ſtone blue, and ſize or common oil, on the middle of ſuch fold, at not more than thirteen inches and an half from the end of ſuch piece, as ſhall not contain more than twenty five yards, and at not more than eighteen inches from the end of ſuch piece as ſhall not contain more than fifty yards in length, and not more than twenty two inches and a half from the end of ſuch piece as ſhall contain more than fifty yards in length; and that ſuch ſeal-maſter ſhall affix a fair impreſſion of ſuch ſeal with ſuch ingredients as aforeſaid on each of the ends of every ſuch piece; and ſhall likewiſe mark with ſuch ingredients as aforeſaid on the back or outſide of every ſuch piece the length of ſuch piece, and the number of

inches it contains in breadth, and alſo the half inch, if the ſame ſhall be in breadth half an inch more than any number of inches, without regard to any leſſer fractions of an inch, and the name of ſuch ſeal-maſter, and the county wherein he reſides; and that if any parts of ſuch piece ſhall be damaged or faulty, but not ſo damaged or faulty as to render the ſame unmerchantable, every ſuch damaged or faulty part ſhall be fairly expoſed in the lap or boſom of ſuch piece, ſo as that the ſame may be eaſily ſeen, and that oppoſite to ſuch damaged or faulty part upon the boſom of every ſuch piece ſuch ſeal-maſter ſhall affix an impreſſion of his ſeal with ſuch ingredients as aforeſaid to denote ſuch damaged or faulty part; and that no ſuch ſeal-maſter ſhall buy, or offer to buy, or ſuffer to be bought in his houſe any brown or unbleached linen or hempen cloth, that ſhall be brought to him to be ſealed; and that no ſuch ſeal-maſter ſhall, during the time he ſhall continue a ſeal-maſter, act as a lapper, or lap or ſeal any white or bleached linen or hempen cloth; and that ſuch ſeal-maſter ſhall and may demand and take the ſum of one penny, and no more, for every piece of green or unbleached linen or hempen cloth containing twenty five yards or under, that ſhall be by him ſealed as aforeſaid, and ſo in proportion for a greater quantity; and that if any ſuch ſeal-maſter ſhall offend in any of the matters aforeſaid, every ſuch ſeal-maſter ſhall for every ſuch offence forfeit ſuch ſum, not leſs than ten ſhillings nor exceeding forty ſhillings, as the perſon or perſons, herein after impowered to determine ſuch offences, ſhall upon the circumſtances of the caſe adjudge and determine.

name and county of ſeal-maſter, damaged parts, not unmerchantable, fairly expoſed, and ſeal thereto,

ſeal-maſter not to buy cloth brought to be ſealed,

nor act as lapper,

his fee 1d. every piece 25 yards or under, and ſo on,

penalties not under 10s. nor above 40s.

LXII. And that no perſon ſhall ſell or expoſe to ſale, or pack up or enter for exportation, or buy or agree to buy, any piece of green or unbleached linen or hempen cloth, that ſhall not be at the time of ſelling, or expoſing the ſame to ſale, or of packing up, or entering for exportation, ſealed and marked as aforeſaid, upon pain of forfeiting the ſum of five pounds for every ſuch piece.

Unbleached cloth for ſale or export, if not ſealed and marked, 5l. *per* piece.

LXIII. And that every lapper of white or bleached linen or hempen cloth, appointed or to be appointed as aforeſaid, ſhall carefully view, examine, and meaſure every piece of white or bleached linen or hempen cloth, that ſhall be produced and offered to be lapped; and if the ſame ſhall appear to him to be merchantable, and to be conformable to the directions aforeſaid, then and not otherwiſe, ſuch lapper ſhall and may lap and make up the ſame in ſuch manner and in ſuch folds, as the ſaid truſtees, or any five or more of them, ſhall for that purpoſe direct or appoint; and that every ſuch lapper ſhall with vermillion or ſtone-blue and

Lappers to examine and meaſure bleached cloth, and, if merchantable, lap as 5 truſtees direct,

mark the length and inches,

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and ſize mark on every ſuch piece the length thereof, and the number of entire inches, and alſo the half inch, (if the ſame ſhall be in breadth half an inch more than any number of inches ſuch piece contains in breadth) without regard to any leſſer fractions of an inch, and alſo the name of ſuch lapper, and the county wherein he ſhall then reſide, and alſo ſuch other impreſſion as the ſaid truſtees for the time being, or any five or more of them, ſhall direct, upon ſuch parts of ſuch piece as the ſaid truſtees, or any five or more of them, ſhall direct; and that if any part of ſuch piece ſhall be damaged or faulty, but not ſo much damaged or faulty as to render the ſame unmerchantable, then every ſuch damaged or faulty part ſhall be fairly expoſed in the lap or boſom of ſuch piece, ſo as that the ſame may be eaſily ſeen; and that oppoſite to ſuch faulty or damaged part ſuch lapper ſhall affix an impreſſion of his ſeal with ſuch ingredients, as are laſt mentioned, to denote ſuch damaged or faulty part; and that no ſuch lapper ſhall fold or put up two or more pieces ſo as to ſeem only one entire piece; and that ſuch lapper ſhall and may demand and take the ſum of two pence, and no more, for each piece of white or bleached linen or hempen cloth, that ſhall be lapped and marked by him as aforeſaid.

and name and county of the lapper,

damaged parts fairly expoſed, and denoted by lapper's ſeal,

not to fold 2 pieces,

fee 2d. *per* piece.

LXIV. And that no perſon ſhall ſell or expoſe to ſale, or pack up or enter for exportation, or buy or agree to buy, any piece of white or bleached linen or hempen cloth, that ſhall not be lapped and marked as aforeſaid, except remnants and ſmall pieces not exceeding ſeven yards in length, upon pain of forfeiting the ſum of five pounds for every ſuch piece.

For ſale or export, if not lapped and marked, 5l. *per* piece,

except remnants not above 7 yards.

LXV. And that every packer of hemp, appointed or to be appointed as aforeſaid, ſhall carefully view, examine, and weigh all ſuch dreſſed hemp, as ſhall be produced and offered to him for that purpoſe; and if ſuch hemp ſhall appear to him to be good and merchantable, then, and not otherwiſe, ſuch packer ſhall and may pack and make up the ſame, and mark on each package the weight of the hemp therein contained, and ſeal or ſtamp the ſame with the name of ſuch packer, and the county in which he ſhall then reſide, and ſuch other impreſſion as the ſaid truſtees, or any five or more of them, ſhall appoint; and that ſuch packer ſhall and may demand and take ſuch ſum of money, as ſhall be appointed by the ſaid truſtees, or any five or more of them, for that purpoſe, not exceeding ſix pence for every hundred weight of hemp ſo packed and marked; and that no perſon ſhall ſell or expoſe to ſale one hundred weight, or any greater quantity, of dreſſed hemp of the growth of this kingdom,

Hemp-packers to examine and weigh,

and pack, if merchantable,

mark the weight, his name and county,

fee, as by 5 truſtees appointed, not above 6d. *per* 100 wt.

if not packed and marked, forfeited.

kingdom, not being packed and marked as aforeſaid, upon pain of forfeiting the ſame.

Counterfeiting names or ſtamps, or altering,

LXVI. And that if any perſon ſhall counterfeit the name of any reed-maker, or the name of any linen weaver or linen manufacturer, or the name of any buyer, or the name of any perſon keeping or occupying any bleachyard, or the name of any draper directed to be marked or ſtamped as aforeſaid, or ſhall counterfeit the ſeal or ſtamp ſo as aforeſaid appointed or to be appointed for ſuch packer, ſeal-maſter, or lapper as aforeſaid, or ſhall alter the figures or ſtamps made upon any piece of linen or hempen cloth by any ſeal-maſter or lapper to mark the length or breadth of the ſame, ſuch perſon, being thereof lawfully convicted, ſhall be condemned to ſtand in the pillory, or to be tranſported for the term of ſeven years to ſome of his Majeſty's plantations in America, at the diſcretion of the judge or judges who ſhall try ſuch offence.

pillory or tranſportation.

Uſing ſeals ordered to be given up, penalty 20l.

LXVII. And that no packer ſhall ſtamp any package of hemp, or ſeal maſter or lapper ſhall ſeal or ſtamp any piece of linen or hempen cloth, after notice that his ſeal or ſtamp is ordered by the ſaid truſtees or any five or more of them to be given up, or not to be longer uſed by him, upon pain of forfeiting the ſum of twenty pounds; and that an advertiſement for that purpoſe, publiſhed four times ſucceſſively in the Dublin Gazette, ſhall be ſufficient evidence againſt ſuch packer, ſeal-maſter, or lapper of ſuch order and notice thereof; and that every packer, ſeal-maſter, or lapper, whoſe ſeal or ſtamp ſhall be ordered to be given up by the ſaid truſtees or any five or more of them, ſhall, within two months after the laſt notice publiſhed as aforeſaid, cauſe his ſeal or ſtamp to be delivered to the clerk of the ſaid truſtees for the time being upon pain of forfeiting the ſum of twenty pounds; and that no packer, ſeal-maſter, or lapper, ſhall ſell or lend his ſeal or ſtamp, or ſuffer the ſame to be uſed by any other perſon whatſoever, upon pain of forfeiting twenty pounds; and that no perſon ſhall uſe the ſeal or ſtamp of any packer, ſeal-maſter, or lapper, in ſtamping or ſealing any package of hemp or any piece of linen or hempen cloth, other than and except ſuch packer, ſeal-maſter, or lapper reſpectively, upon pain of forfeiting the ſum of twenty pounds.

4 ſucceſſive advertiſements notice of ſuch order,

if in 2 months after ſeals not delivered to the clerk, 20l.

ſelling or lending ſeals, penalty 20l.

and 20l. on the perſon uſing.

4 ſucceſſive advertiſements of directions by truſtees notice thereof.

LXVIII. And that each advertiſement printed in the Dublin Gazette, containing ſuch directions or orders as the ſaid truſtees, or any five or more of them, ſhall from time to time make as aforeſaid to be obſerved by any packer, ſeal-maſters, or lappers, and continued in ſuch Gazette for four ſucceſſive times, ſhall be deemed to all intents and purpoſes full and ſufficient no-

tice to all packers, ſeal-maſters, and lappers, that ſuch orders and directions were made by the ſaid truſtees, or five or more of them.

LXIX. And whereas the ſaid truſtees, or five or more of them, in the execution of their ſaid truſts have frequent occaſion to render or require certificates, ſigned by a juſtice of the peace, or chief magiſtrate, or one of the ſaid truſtees, and alſo affidavits made before ſome juſtice of the peace, or chief magiſtrate, or one of the ſaid truſtees, to be laid before them: be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for every juſtice of the peace, and chief magiſtrate, and every one of the ſaid truſtees, to adminiſter an oath to, and take an affidavit from any perſon whatſoever touching or concerning any matter or thing in anywiſe relating to or concerning the linen or hempen manufacture, or any branch thereof; and that if any perſon or perſons ſhall forge or counterfeit the name of any juſtiee of the peace, or chief magiſtrate, or truſtee to any certificate or affidavit, that ſhall be ordered or required by the ſaid truſtees, or any five or more of them, or ſhall produce to the ſaid truſtees, or any five or more of them, or to their clerk for them any ſuch certificate or affidavit knowing the ſame to be forged or counterfeited, or ſhall knowingly ſwear any thing, which is falſe, in ſuch affidavit, ſuch perſon or perſons ſhall upon conviction thereof ſuffer ſuch puniſhment, as perſons convicted of wilful and corrupt perjury are by the laws of this kingdom ſubject to.

Every magiſtrate or truſtee may take an affidavit,

forging their names, or knowingly producing forged certificate or affidavit, or falſe ſwearing, puniſhed as perjury.

Repealed 17 & 18 *G.* 3. *c.* 21. *ſ.* 8.

LXX. And that all offences or breaches committed of or againſt any clauſe or article in this preſent act contained, except where the ſame are hereby particularly appointed to be heard and determined, and except where the penalty or forfeiture does or may exceed in value the ſum of ſix pounds ſterling, ſhall and may be heard and finally determined by the ſaid truſtees for the time being, or any one or more of them, or by any one or more juſtice or juſtices of the peace, or chief magiſtrate of any city or town corporate within their reſpective juriſdictions; and that all offences or breaches committed of or againſt any clauſe or article in this preſent act contained, where the penalty or forfeiture does or may exceed in value the ſum of ſix pounds ſterling, except where the ſame are hereby particularly appointed to be heard and determined, ſhall and may be heard and finally determined by the ſaid truſtees for the time being, or any five or more of them; and that it ſhall and may be lawful to and for the ſaid ſeveral perſons, hereby impowered to hear and determine the ſaid offences reſpectively, to examine upon oath all and every ſuch witneſs and witneſſes as ſhall be produced before them reſpectively, (which oath they are hereby impowered reſpectively to adminiſter) upon any complaint or information to him or them made of any offence or breach committed of or againſt this act, and to iſſue their warrants reſpectively to any one or more con-

ſtable or conſtables, requiring and impowering him or them by diſtreſs and ſale of the offender's goods (the overplus whereof ſhall be rendered to the owner or owners thereof) to levy the reſpective penalties or forfeitures by ſuch offenders incurred; which when levied ſhall be paid to the real informer or proſecutor in all caſes, except where the ſame are hereby otherwiſe directed to be applied, firſt deducting thereout the ſum of two ſhillings in the pound, to be paid to the conſtable or conſtables for executing ſuch warrant; and in caſe no ſufficient diſtreſs can be found, then and in every ſuch caſe it ſhall and may be lawful to and for the ſeveral perſons, hereby impowered to hear and determine the ſaid offences reſpectively, by their reſpective warrants to commit ſuch offender or offenders to the houſe of correction or next gaol for ſo long time, as they ſhall reſpectively think proper, not exceeding ſix months in the whole.

Forfeited cloth cut croſs ways before delivered to proſecutor.

LXXI. And that when any linen or hempen cloth ſhall be determined to be forfeited for not being made purſuant to the directions aforeſaid, the perſon or perſons, ſo determining the ſame to be forfeited, ſhall and may order and cauſe ſuch cloth to be cut and ſevered into three or more equal parts croſs ways, before the ſame ſhall be delivered to the informer or proſecutor.

Repealed 17 & 18 *G.* 3. c. 21. ſ. 8.

LXXII. And that if any action or ſuit ſhall be commenced or brought againſt any perſon whatſoever for doing or cauſing to be done any act, matter, or thing in purſuance hereof, the defendant or defendants in ſuch action or ſuit ſhall and may plead the general iſſue, and give the ſpecial matter in evidence; and if upon ſuch action or in ſuch ſuit judgment ſhall be given for the defendant or defendants, or the plaintiff or plaintiffs therein ſhall become nonſuit, or diſcontinue his, her, or their action or ſuit, then the defendant or defendants therein ſhall have treble coſts.

Complaints in 6 months.

LXXIII. Provided always, That nothing herein contained ſhall extend to charge any perſon or perſons with any penalty, forfeiture, or puniſhment for or concerning any offence or breach of or againſt this act, unleſs he, ſhe, or they ſo offending ſhall be complained of or informed againſt to the perſon or perſons hereby impowered to determine ſuch offences, within ſix months after ſuch offence or breach ſhall be done and committed.

On cauſeleſs complaint coſts againſt informer, not under 2s. nor above 10s.

LXXIV. And that if any complaint or information ſhall be made or given againſt any weaver, manufacturer, or ſeal-maſter, for any offence againſt this act, it ſhall and may be lawful to and for the perſon or perſons herein before impowered to determine ſuch offence, in caſe it ſhall appear to him or them, that ſuch complaint or information was ill founded and without juſt cauſe, to adjudge the perſon or perſons making or giving ſuch complaint or information to pay to the per-

ſon or perſons ſo complained of or informed againſt any ſum not leſs than two ſhillings, nor exceeding ten ſhillings, to be levied and recovered by ſuch ways and means as are herein before directed with regard to penalties not exceeding ſix pounds in value.

Summons in writing,

LXXV. And that it ſhall and may be lawful to and for the perſon and perſons, hereby impowered to hear and determine offences againſt this act, by writing under his or their hand or hands to ſummon and order the apprentice, ſervant, or journeyman of any reed-maker, weaver, or manufacturer of linen or hempen cloth, bleacher, or draper, or flax-ſeed merchant, or any other perſon or perſons whatſoever, to appear before him or them, and upon his or their appearance to examine him or them upon oath as to his or their knowledge concerning any offence or breach of or againſt any part of this act; and in caſe ſuch apprentice, ſervant, journeyman, or other perſon, being ſummoned, ſhall wilfully refuſe to appear purſuant to ſuch ſummons, or appearing ſhall refuſe to be examined upon oath to the purpoſe aforeſaid, that then it ſhall and may be lawful to and for ſuch perſon or perſons impowered as aforeſaid to commit ſuch apprentice, ſervant, journeyman, or other perſon to the houſe of correction or next gaol, there to be kept for the ſpace of thirty days, unleſs he, ſhe, or they ſhall ſooner ſubmit to be examined as aforeſaid.

examination on oath,

on refuſal committed 30 days, unleſs ſooner ſubmitting.

Examinant not liable on diſcovery.

LXXVI. Provided that ſuch perſon, as ſhall be ſo examined, ſhall not be liable to any penalty, forfeiture or puniſhment relating to the offence, which he or ſhe ſhall on ſuch examination diſcover.

No clergy to felons ſtealing above 5s. value.

LXXVII. And that no felon convicted according to the courſe of the law and ſtatutes of this kingdom of ſtealing of linen, hempen, or cotton yarn, or linen or hempen cloth, or cloth made of linen and cotton yarn, or any materials or utenſils uſed in bleaching the ſame, above the value of five ſhillings from or out of any bleachyard, buckhouſe, or workhouſe thereunto belonging, whether the fact be committed by day or night, ſhall be allowed the benefit of clergy.

Reſcuing ſeiſures, penalty 40s. and full value.

LXXVIII. And that if any perſon or perſons as ſhall reſcue or take by force any hemp-ſeed, flax-ſeed, flax, hemp, twine, ropes, cordage, thread, boſs, tapes, chatts, inkles, filletting, braids, ferretting, ſhoe-lace, points, bobbin, linen yarn, hempen yarn, weaving reed, linen cloth, or hempen cloth out of the cuſtody or poſſeſſion of any perſon or perſons who ſhall have ſeized the ſame for being managed, uſed, or made contrary to the directions aforeſaid, every ſuch perſon, ſo reſcuing

or

or taking by force, ſhall forfeit the ſum of forty ſhillings, and alſo the full value of the goods ſo reſcued and taken as aforeſaid.

Former appointments of officers and rules and former contracts valid.

LXXIX. And that the appointments of all ſuch officers, factors, ſervants, packers, ſeal-maſters, and lappers, and all ſuch rules, orders, and directions, as have been already made by the ſaid truſtees purſuant to the powers veſted in them by the ſaid recited acts or ſome of them, ſhall be as valid and of as much force and effect to all intents and purpoſes, as if ſuch appointment, rules, orders, and directions were made by the ſaid truſtees purſuant to the powers by this act veſted in them; and that all ſuch contracts, as have been already entered into by the ſaid truſtees, or by any perſon or perſons by their order and for and on their behalf, purſuant to the powers veſted in them by any act of Parliament now in force, ſhall have the ſame force and effect to all intents and purpoſes, as if this act had never been made, any thing herein contained to the contrary thereof in any wiſe notwithſtanding.

Fines on packer, ſeal-maſter, or lapper, ſued by civil bill in clerk's name.

LXXX. And that it ſhall and may be lawful to and for the ſaid truſtees for the time being in the name of their clerk for the time being, to ſue for in a ſummary way by civil bill and recover againſt every packer, ſeal-maſter, or lapper reſpectively, and their reſpective ſecurity or ſecurities, all ſuch ſum and ſums of money as have been impoſed ſince the firſt day of May one thouſand ſeven hundred and fifty five, or ſhall be from time to time hereafter impoſed by the ſaid truſtees as aforeſaid, by way of fine or penalty on ſuch packer, ſeal-maſter, or lapper.

5 truſtees by writing may authoriſe to ſearch from ten till five the halls, ſhops, &c. in Dublin or liberties,

and ſeiſe green yarn and plain cloth ſold contrary to this act,

3 truſtees may adjudge.

LXXXI. And that it ſhall and may be lawful to and for the ſaid truſtees, or any five of them, by writing under their hands and ſeals to authorize any one or more perſon or perſons from the hours of ten of the clock in the morning to five in the afternoon to enter into the ſeveral apartments of the ſaid linen-hall and yarn-hall, and into all other ſhops, ſtalls, and places, wherein any linen yarn, or linen cloth, ſhall be ſold or expoſed to ſale within the city of Dublin, or within the liberties of Saint Sepulchre's, Thomas Court, and Donore, and to ſeize all green or unbleached linen yarn and all plain linen cloth, which ſhall be there ſold or expoſed to ſale contrary to the directions of this act, and to carry the ſame before the ſaid truſtees, or any three or more of them; who are hereby required to examine into all offences committed in ſuch linen yarn or linen cloth againſt this act, or any part thereof, and to adjudge ſuch forfeitures, and inflict and levy ſuch penalties, as are by this act directed for every ſuch offence.

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Loſs to buyer of brown cloth by conceal-ment in folds or defect in meaſure made good by ſeal-maſter, or weaver, or buyer, and penalty not under 5s. nor above 40s.

LXXXII. And that if any perſon ſhall ſuſtain any loſs or damage in the buying any piece of brown or unbleached linen or hempen cloth, by any damaged part being concealed in the folds thereof, or by its not anſwering the meaſure as to the length or breadth marked thereon by ſuch ſeal-maſter, it ſhall and may be lawful to and for ſuch perſon to ſue for and recover from the ſeal-maſter of ſuch piece, or the perſon or perſons who ſhall at the time of ſuch ſealing be bound as ſecurity for his faithful diſcharge of the office of ſeal-maſter, or from the manufacturer or weaver of ſuch piece, in caſe ſuch piece ſhall not before then have been bought by any perſon, and in caſe the ſame ſhall have been before then bought by any perſon or perſons, then from the buyer of ſuch piece, the full value of the loſs or damage ſo ſuſtained, and alſo any ſum not leſs than five ſhillings, nor exceeding forty ſhillings, to be determined by the perſon or perſons by this act impowered to determine ſuch offences.

Loſs by fraud in lapping, conceal-ment, rotten-neſs, or de-fect in mea-ſure, recover-ed from lap-per or draper, and 20s. if the loſs not above 5s. if above, then 5l. every piece,

by civil bill if not exceed-ing 20l.

LXXXIII. And that if any perſon ſhall ſuſtain any loſs or damage by means of any fraud in the lapping any piece of linen or hempen cloth, or by any damaged part being concealed in the folds thereof, or by its being rotten or unmerchantable, or by its not anſwering the meaſure as to the length or breadth marked thereon by ſuch lapper, it ſhall and may be lawful to and for ſuch perſon to ſue either the lapper of ſuch piece, or the perſon or perſons who ſhall at the time of lapping and ſealing the ſame be bound as ſecurity or ſecurities for his faithful diſcharge of the office of lapper, or the perſon or perſons whoſe name or names ſhall be marked thereon as the draper or drapers, and recover from ſuch lapper, or his ſecurity or ſecurities, or ſuch draper, the full value of the loſs or damage ſo ſuſtained, and alſo the ſum of twenty ſhillings in caſe ſuch loſs or damage ſhall not exceed five ſhillings; and in caſe ſuch loſs or damage ſhall exceed five ſhillings, then the ſum of five pounds for every ſuch piece; the ſame to be recovered, if not exceeding twenty pounds, by civil bill, and if upwards of twenty pounds then the ſame to be recovered in any of his Majeſty's courts of record in Dublin.

But if before ſuit fined by truſtees, then not ſued for ſuch damage.

LXXXIV. Provided, that if the ſaid truſtees ſhall have fined ſuch ſeal-maſter or his ſecurity, or ſuch lapper or his ſecurity, for ſuch offence, and receive the fine or penalty impoſed by them for ſuch offence, before ſuch ſuit commenced, that then ſuch ſeal-maſter or his ſecurity, manufacturer, weaver, or buyer reſpectively, or ſuch lapper or his ſecurity, or ſuch draper, ſhall not be ſued for ſuch damage or loſs as aforeſaid.

Clerk's certificate evidence of appointment and acting, &c.

LXXXV. And that in all complaints, informations, ſuits, civil bills, or actions, to be made, brought, commenced, or proſecuted

ſecuted againſt any packer, ſeal-maſter, or lapper, founded upon this act, a certificate of the clerk of the ſaid truſtees, for the time being, under the hand and ſeal of ſuch clerk, ſhall be taken, deemed, and adjudged full and ſufficient evidence, that ſuch perſon is their clerk, and that the perſons therein for that purpoſe named, were reſpectively and duly appointed packers, ſeal-maſters, or lappers, by the ſaid truſtees, and had acted as ſuch in the ſeveral matters in ſuch certificate contained; and that the perſons therein for that purpoſe mentioned, were ſecurities for ſuch packers, ſeal-maſters, or lappers reſpectively; and that the fine or fines, penalty or penalties therein contained, was or were duly impoſed by the ſaid truſtees; and that the perſons in ſuch certificate mentioned as truſtees, were duly appointed truſtees for encouraging the linen and hempen manufactures of this kingdom.

Name of reed-maker, weaver, ſeal-maſter, buyer, bleacher, lappler, or draper, ſigned or marked, full evidence.

LXXXVI. And that in all complaints, informations, ſuits, civil bills, or actions, to be made, brought, commenced, or proſecuted againſt any reed-maker, weaver, manufacturer of linen or hempen cloth, ſeal-maſter, buyer, bleacher, lapper, or dreſſer, the name of the reed-maker, ſigned or marked on any reed purſuant to the directions herein before contained, ſhall be full and ſufficient evidence, that ſuch reedwas made by the perſon, whoſe name is ſigned or marked thereon; and the name of the weaver or manufacturer, ſigned or marked on any piece of linen or hempen cloth, ſhall be full and ſufficient evidence, that ſuch piece was woven or manufactured by the perſon, whoſe name is ſigned or marked thereon; and the name of the ſeal-maſter, ſigned or marked on any piece of linen or hempen cloth, ſhall be full and ſufficient evidence, that ſuch piece was ſealed by the perſon, whoſe name is marked or ſigned thereon; and that the name of the buyer, wrote on any piece of linen or hempen cloth, ſhall be full and ſufficient evidence, that ſuch piece was bought by him; and that the names of the bleacher and lapper, ſigned or marked on any piece of linen or hempen cloth, ſhall be reſpectively full and ſufficient evidence, that ſuch piece was bleached and lapped by the perſons reſpectively, whoſe names are ſigned or marked thereon; and that the name of the draper, ſigned or marked on any piece of linen or hempen cloth, ſhall be full and ſufficient evidence, that ſuch piece was bleached for the uſe and benefit, and was the property of the perſon, whoſe name is ſigned or marked thereon as the draper.

Grand juries in Leinſter, Munſter, or Connaught, where ground purchaſed in.

LXXXVII. And be it enacted by the authority aforeſaid, That from and after that a convenient piece or parcel of ground, lying and being in the ſhire or county town of any county within the provinces of Leinſter, Munſter, and Connaught, ſhall be

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purchaſed, conveyed, or otherwiſe aſſured with the approbation of the grand jury at the aſſizes held for ſuch county, to any perſon or perſons, his or their heirs, upon truſt, and to the intent that a publick ware-houſe or market-houſe ſhould be erected and built thereon for the lodging in and expoſing to ſale any flaxen or hempen yarn, flax or hemp, flax-ſeed or hemp-ſeed, that then it ſhall and may be lawful to and for the grand jury of ſuch county where ſuch piece or parcel of ground ſhall be ſo purchaſed, or otherwiſe aſſured, for the uſe and to the intent aforeſaid, at the general aſſizes to be held in and for ſuch county, to preſent any ſum or ſums of money, not exceeding in the whole the ſum of three hundred pounds, to be levied, raiſed, and paid in the ſame and in like manner as other publick money is raiſed and paid in ſuch county; and when ſuch money is ſo raiſed and paid, the ſame to be applied in the erecting and building ſuch publick ware-houſe or market-houſe on ſuch piece or parcel of ground for the ſeveral uſes and purpoſes aforeſaid; and after ſuch ware-houſe or market-houſe ſhall be built and erected, it ſhall and may be lawful to and for the grand jury of the ſaid county, wherein ſuch ware-houſe or market-houſe ſhall be ſo erected, at the general aſſizes to be held in and for ſuch county, to preſent a ſum, not exceeding the ſum of fifteen pounds *per annum*, for the ſalary of an officer to attend ſuch ware-houſe or market-houſe.

the ſhire-town with their approbation for publick market-houſe to lodge and ſell flax, or hemp, yarn, or ſeed, may preſent, not above 300l. as other publick money,

for building ſaid houſe,

and not above 15l. *per ann.* officer's ſalary.

LXXXVIII. And whereas the aſſizes for ſome counties within the provinces of Leinſter, Munſter, and Connaught, are held within the precincts or limits of counties of cities, and counties of towns, in places appointed and particularly provided for that purpoſe, and excluded from being part of ſuch counties of cities, and counties of towns, by reaſon whereof it may happen, that no convenient ground can be purchaſed, or otherwiſe obtained for erecting and building ſuch ware-houſe or market-houſe in the places, where ſuch aſſizes are held, ſo as to be within the ſame county; and in caſe ſuch diſputes may ariſe, what town ſhall be deemed and taken to be the ſhire or county town: to prevent therefore ſuch inconveniencies, and to obviate all ſuch differences, be it enacted by the authority aforeſaid, That the reſpective grand juries of ſuch counties within the provinces of Leinſter, Munſter, and Connaught, where the aſſizes are held within the precincts or limits of any county of a city, or county of a town, if a convenient piece or parcel of ground can be had or obtained in ſuch county of a city, or county of a town, by purchaſe or other aſſurance to the purpoſes aforeſaid, may preſent ſuch ſum or ſums of money as aforeſaid, for the building and erecting ſuch publick ware-houſe or

Where the aſſiſes in county of city or town, if convenient ground can be had therein, grand juries may preſent as aforeſaid,

and deemed the publick ware-houſe.

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or market-houſe for the ſaid uſes and purpoſes, and for the ſalary of the officer attending the ſame; and ſuch ware-houſe or market-houſe, when built, ſhall be eſteemed and taken to be the publick ware-houſe and market-houſe of the county erecting the ſame, in as full a manner, as if ſuch ware-houſe or market-houſe was built in the ſhire-town, and ſhall from time to time be repaired by ſuch county by preſentment of the grand jury, notwithſtanding ſuch ware-houſe or market-houſe lies in a different county; any thing herein contained to the contrary notwithſtanding.

3 & 4 *Anne* 2. *Eng.* for exporting Iriſh linen directly to the plantations,

LXXXIX. And whereas by an act of Parliament paſſed in England in the third and fourth years of the reign of her late Majeſt Queen Anne, intituled, *An act to permit the exportation of Iriſh linen cloth to the plantations, and to prohibit the importation of Scotch linen into Ireland*, it was enacted, That it ſhould be lawful to export from Ireland directly to the Britiſh plantations all ſorts of white and brown linen cloth, being the proper manufacture of Ireland, under the reſtrictions and conditions in the ſaid act mentioned, for the term of eleven years; which act, by one other act paſſed in Great Britain in the firſt year of the reign of his late Majeſty King George the firſt, intituled, *An act for continuing ſeveral laws therein mentioned relating to coals, hemp, and flax, Iriſh and Scotch linen, and the aſſize of bread, and for giving power to adjourn the quarter-ſeſſions for the county of Angleſey, for the purpoſes therein mentioned*, was continued for one year, and from thence to the end of the next ſeſſion of Parliament: and whereas by one other act paſſed in Great Britain in the third year of the reign of his late Majeſty King George the firſt, intituled, *An act for continuing the liberty of exporting linen cloth to the Britiſh plantations in America duty free, and for the more effectual diſcovery of and proſecuting ſuch as ſhall unlawfully export wool and woollen manufactures from Ireland, and for relief of John Fletcher in reſpect of the duty by him paid for a quantity of ſalt loſt in the exportation for Ireland*, it is enacted, That the ſaid recited act of the third and fourth years of Queen Anne, ſo far forth as the ſame relates to the exportation of Iriſh linen cloths to the ſaid Britiſh plantations, ſhould be, and was thereby continued in full force, ſo long as the merchants and other perſons of Great Britain were or ſhould be permitted to import into Ireland free from all duties ſuch white and brown Britiſh linen cloth, as ſhould be made and manufactured in Great Britain: and whereas by an act paſſed in this kingdom in the fourteenth and fifteenth years of King Charles the ſecond, intituled, *An act for ſettling the exciſe or new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted*, all Britiſh linen cloth imported

continued by 1 *G.* 1. 26. *Eng.*

and by 3 *G.* 1. 21. *Eng.* ſo long as Britiſh linen imported into Ireland duty free;

by 14 & 15 *C.* 2. 8. Britiſh linen imported into Ireland ſubject to 6*s.* every 100 ells,

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imported into this kingdom, is ſubject to an exciſe or duty of ſix ſhillings for every hundred ells: and whereas by an act paſſed in this kingdom, in the ſaid fourteenth and fifteenth years of his ſaid late Majeſty King Charles the ſecond, intituled, *An act for ſettling the ſubſidy of poundage, and granting a ſubſidy of tunnage, and other ſums of money, unto his royal Majeſty, his heirs and ſucceſſors, the ſame to be paid upon merchandizes imported and exported into or out of the kingdom of Ireland, according to a book of rates thereunto annexed*, all Britiſh linen cloths imported into this kingdom, were ſubject to a further duty of ſix ſhillings for every hundred ells: be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for all merchants and other perſon and perſons of Great Britain, to import into this kingdom all ſuch white and brown Britiſh linen cloth, as is or ſhall be made and manufactured in Great Britain, free, exempted, and diſcharged of and from the duties of ſix ſhillings, and ſix ſhillings for every hundred ells, and all other duties whatſoever, impoſed or ſet on the ſame by the ſaid acts, or any other act or acts in force in this kingdom, ſo long and during ſuch time as it ſhall be and continue lawful to export from this kingdom directly to the Britiſh plantations all ſorts of white and brown linen cloths of the manufacture of this kingdom, on ſuch terms, conditions, and limitations, as in the ſaid recited act of the third and fourth years of Queen Anne are limited and appointed, and no longer.

and by 14 & 15 *C.* 2. 9. to further 6s.

Britiſh linen imported duty free, during free export of Iriſh linen directly to the plantations, as by 3 & 4 *Anne* 8. *Eng.*

XC. And be it further enacted by the authority aforeſaid, That when good, ſound, and merchantable flax-ſeed of the growth of this kingdom, is or ſhall be at five ſhillings per buſhel, or under, every merchant or other perſon, who ſhall put on ſhipboard to export, or cauſe to be exported from the port of Dundalk, or any other port of this kingdom ſouthward of Dundalk, to any port beyond the ſea, any quantity of flax-ſeed of the growth of this kingdom, ſhall bring a certificate in writing under his or their hand or hands, containing the quantity of flax-ſeed ſo ſhipped, to the commiſſioners, collectors, or other perſons appointed or to be appointed for the time being, to collect the duties and rates within any ſuch port; and upon oath made of the truth of ſuch certificate by any credible perſon before any of the ſaid officers, (who are hereby impowered to adminiſter the ſame) and that the ſame is good, ſound, and merchantable flax-ſeed of the growth of this kingdom, and that no premium has been already received for the export of ſuch ſeed, and alſo upon bond given by every ſuch merchant or other perſon, in the ſum of twenty ſhillings for every barrel of ſuch ſeed, and ſo in proportion for any greater quantity, that the ſaid ſeed is good and

When good Iriſh flax-ſeed at 5s. a buſhel or under, ſhipped for export from Dundalk or ſouthward, and certificate of the quantity on oath, and of no premium received, and bond 20s. *per* barrel, and not to reland, 1s. *per* buſhel premium paid duty free, as drawbacks are paid.

merchantable of the growth of this kingdom, and, the danger of the ſeas excepted, ſhall be exported into parts beyond the ſeas from the port, where ſuch ſeed ſhall be ſo ſhipped, and ſhall not be relanded in any part of this kingdom, every ſuch merchant ſo ſhipping any quantity of ſuch ſeed, making oath, and giving ſuch certificate and bonds as aforeſaid, ſhall have and receive, clear and free of all duties payable upon the export of flax-ſeed, the ſum of one ſhilling per buſhel as a premium for every buſhel of ſuch ſeed, to be paid by ſuch officer or officers, and in ſuch manner, as drawbacks are uſually paid.

At ſeſſions for counties, whence ſeed exported, grand juries charged to inquire and preſent on oath the common market-price.

XCI. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for all and every of the juſtices of the peace for the ſeveral and reſpective counties, from whence flax-ſeed ſhall or may hereafter be exported, and they are hereby injoined and required, at every their quarter ſeſſions to give in charge in open court to the grand jury then aſſembled to make enquiry and preſentment upon their oaths of the common market-price of flax-ſeed, as the ſame ſhall be commonly bought and ſold in every ſuch county; which inquiry and preſentment the ſaid grand jury are hereby impowered and required to make.

Certificate of preſentment to the officer, and hung up in cuſtom-houſe.

XCII. And be it further enacted by the authority aforeſaid, That ſuch preſentment ſhall be made in open court, and ſhall be certified by the ſaid juſtices in writing to his Majeſty's chief officer and collector of the cuſtom for the time being reſiding in every ſuch port, from whence ſuch flax-ſeed may be exported, and ſhall be hung up in ſome publick place in the cuſtom-houſe belonging to every ſuch port to be reſorted to by all perſons for their information.

On neglect to preſent, no premium on export for that county.

XCIII. Provided always, That if the grand jury in any county ſhall neglect to make ſuch preſentment at any of their ſaid quarter ſeſſions, in ſuch caſe no premium ſhall be paid within ſuch county upon the aforeſaid exportation, until a preſentment ſhall be made by the grand jury of ſuch county at their quarter ſeſſions for aſcertaining the price of flax-ſeed within the ſaid county in manner aforeſaid.

No fee on export or landing Iriſh flax-ſeed.

XCIV. Provided always, and be it further enacted by the authority aforeſaid, That no fee or reward whatſoever ſhall be paid to, or received or demanded by, any cuſtom-houſe or revenue-officer for or on account of the ſhipping, exporting, or landing any flax-ſeed of the growth of this kingdom.

1d. fee to officer on entry for export of cloth leſs than 58 pieces,

XCV. And in order to encourage the exportation of linen and hempen cloth, and to aſcertain and limit the fees payable thereon, be it enacted by the authority aforeſaid, That from and after the firſt day of Auguſt one thouſand ſeven hundred and

sixty four there shall be paid to all or any of the patentee officers, or any other officer or officers of his Majesty's customs or revenue, their clerks or servants, for fees, or upon any pretence, or for any cause whatsoever, for any one entry of linen or hempen cloth of the manufacture of this kingdom, that shall be exported or entered for exportation, containing less than fifty eight pieces, one penny for each piece and no more; and for any one entry containing fifty eight pieces or upwards the sum of four shillings and ten pence and no more, nor more than six pence for any certificate of such parcels; and in case any officer or officers shall after the day aforesaid demand or receive any greater fee than as aforesaid, he or they so offending, being duly convicted thereof upon indictment or information, shall immediately thereupon forfeit his employment, and be incapable ever afterwards of having any office or employment in the revenue of this kingdom.

58 or upwards 4s. and 10d.

certificate 6d.

officer demanding more forfeits employment, and disabled.

XCVI. Provided always, That information upon oath of such offence shall be given to some justice of the peace or chief magistrate within their respective jurisdictions, within one month after such offence shall be committed.

On information in a month.

XCVII. And whereas divers persons to evade the paying of duty for foreign sailcloth, brought into this kingdom, make the same up into sails on board their ships, and frequently sell the same to other ships in the same port; and often great quantities of such foreign sailcloth are run, and immediately after to conceal the same are made up into sails: for remedy whereof, be it enacted by the authority aforesaid, That all new sails made of foreign sailcloth, found on board any ship or boat, except what are for the use of such ship or boat, shall be liable to the same duty as if in pieces; and if such sails shall be landed or put on board any other ship or boat without having first paid the said duty, the same shall be forfeited; one moiety to his Majesty, his heirs and successors, and the other to such person or persons as shall give information thereof to the commissioners or sub-commissioners of his Majesty's revenue, who are hereby impowered to examine and condemn the same, in the same manner as is directed in the said act of excise, with the like liberty of appeal as is therein mentioned.

New sails of foreign sailcloth found on board (save for use of the vessel) liable to same duty as in pieces,

if landed or reshipped without paying duty, forfeited,

to the King and informer,

condemned as by 14 and 15 *G.* 2. 8.

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CHAP. XXXV.

An Act to explain and amend the ſeveral Laws made in this Kingdom for the effectual Preſervation of Salmon Fiſh.

WHEREAS by an act of Parliament paſſed in this kingdom in the thirty firſt year of the reign of his late Majeſty King George the ſecond, intituled, *An act to explain and amend the ſeveral laws in this kingdom for the effectual preſervation of ſalmon fiſh*, it is among other things enacted, That from and after the twenty fifth day of March one thouſand ſeven hundred and fifty eight no perſon whatſoever ſhould at any time between the twelfth day of Auguſt and firſt day of February in any year fiſh in any river with any net, fiſhing rod, or other inſtrument, or carry on the bank of any river any gaff, loop, net, liſter, or ſpear, or any other inſtrument for killing of ſalmon, under the penalty of five pounds ſterling for ſuch offence; and it was thereby alſo further enacted, That every proprietor or farmer of any ſalmon fiſhery or other perſon whatſoever, who ſhould at any time between the twelfth day of Auguſt and firſt day of February in any year kill or take, or be aiding, abetting, or acceſſary to the killing or taking of ſalmon in any river, being thereof convicted, ſhould for every ſuch ſalmon ſo killed or taken forfeit the ſum of forty ſhillings, and the ſeveral forfeitures to be ſued for, levied, and recovered in ſuch manner, as by the ſaid act is directed: but by the ſaid act it is provided, that nothing in the ſaid act contained ſhould extend, or be conſtrued to extend, to the rivers Rathmelton, Lackagh, Donegall, Bundrouſe, all in the county of Donegall, the river of Sligo, the river Shannon from the ſea to the iſland of St. Thomas above the ſalmon wyer belonging to the city of Limerick, the river Boyne, Loughlane, the rivers of Lanne and Carragh in the county of Kerry, the river Lee which runs to the city of Cork, and the river Buſk in the county of Antrim, the river Newport in the county of Mayo, in which ſaid rivers ſalmon is in ſeaſon throughout the year, but the above mentioned proviſoe and exception, that nothing in the ſaid act contained ſhould extend to the ſaid rivers, is found very prejudicial to the reſpective proprietors and farmers of the ſaid ſeveral rivers, as they are by the ſaid proviſoe ſo far debarred and prevented from having the benefit of the act for preſerving their mother and ſpawning ſalmon, that the forfeiture of five pounds cannot be levied of people offending in killing the mother or ſpawning ſalmon in the ſaid reſpective rivers: for

31 G. 2. 13. recited,

ſect. 3.

certain rivers excepted thereout;

inconvenience of ſuch exception,

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remedy whereof be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of May one thouſand ſeven hundred and ſixty four no perſon whatſoever, except the reſpective proprietors and farmers of the ſaid reſpective rivers and ſalmon fiſheries, ſhall at any time between the twelfth day of Auguſt and the firſt day of February in any year fiſh in any of the ſaid rivers, or in the river Earne, or ſalmon fiſhery of Ballyſhannon, between the twelfth day of Auguſt and the firſt day of May, with any net, rod, or any other inſtrument whereby fiſh may be taken or killed, or carry a rod, gaff, loop, net, liſter, or ſpear, or any other inſtrument, whereby fiſh may be killed or taken, on the banks of any of the ſaid rivers; and if any perſon ſhall offend herein, every ſuch offender being thereof convicted by confeſſion or by the teſtimony of any one credible witneſs upon oath before ſome one juſtice of the peace for the county, where ſuch offence ſhall be committed (which oath ſuch juſtice of the peace is hereby impowered and required to adminiſter) ſhall for every ſuch offence forfeit the ſum of five pounds ſterling over and above the boat and nets, the ſame to be levied by the warrant of ſuch juſtice by diſtreſs and ſale of the offenders goods, and to be paid to the informer or informers; and if no ſufficient diſtreſs can be found, the offender ſhall by the like warrant be committed to the county gaol, there to remain without bail or mainprize for ſuch time not exceeding three months, nor leſs than one month, as ſuch juſtice ſhall appoint, unleſs ſuch forfeiture ſhall in the mean time be paid, in which caſe the offender ſhall be enlarged.

none, ſave proprietors and farmers of ſaid rivers and fiſheries, ſhall fiſh between 12 Auguſt and 1ſt February, in the Earn or at Ballyſhannon between 12 Auguſt and 1ſt May, nor carry inſtruments on the banks, on one witneſs before a juſtice penalty 5l. beſides boat and nets,

for want of diſtreſs impriſonment not above 3, nor under 1, month.

II. And whereas the ſeveral proprietors and farmers of the ſeveral ſalmon fiſheries within this kingdom in general are continually diſturbed in the property of their ſaid ſeveral ſalmon fiſheries, and ſuch properties and ſalmon fiſheries deſtroyed by ſeveral perſons on pretence of taking ſmaller and other kinds of fiſh within the bounds of the ſaid ſeveral ſalmon fiſheries throughout this kingdom in general: be it therefore enacted by the authority aforeſaid, that from and after the firſt day of May one thouſand ſeven hundred and ſixty four no perſon or perſons whatſoever (except the proprietors and farmers of the ſaid ſeveral ſalmon fiſheries, and their ſeveral and reſpective fiſhermen) ſhall make uſe of any boat, or fiſh with any net or nets, of any kind, that hath or ſhall have a ſoale, rope or ropes, with ſinks of any kind thereunto fixed, or make uſe of any other inſtrument whatſoever for taking or killing of ſalmon within the limits of the ſaid ſeveral ſalmon fiſheries throughout

None, ſave proprietors and farmers to uſe in ſalmon-fiſheries boats or nets with a ſole rope with ſinks or other inſtrument for taking ſalmon,

throughout this kingdom; and if any (except the ſaid proprietors and farmers, and their fiſhermen by them reſpectively employed) ſhall offend herein, every ſuch offender, being thereof convicted as aforeſaid, ſhall forfeit the ſum of five pounds ſterling together with the boat or boats, net or nets, with all and every other inſtrument made uſe of in committing ſuch offence, the ſame to be recovered and diſpoſed of in manner herein before directed; and that the limits and bounds of all and every ſalmon fiſhery in this kingdom is and are hereby deemed and underſtood to be ſuch, as they have been, ſeverally and reſpectively held, poſſeſſed, and enjoyed by the ſeveral and reſpective proprietors, and the ſeveral and reſpective farmers deriving under them, for thirty one years paſt.

penalty 5l. with the boat, &c.

bounds of ſalmon fiſheries as enjoyed 31 years paſt.

III. And whereas the proprietor and his tenants and farmers of the ſalmon fiſhery of Sligo are continually diſturbed in the property of the ſaid ſalmon fiſhery: be it enacted by the authority aforeſaid, That from and after the firſt day of May one thouſand ſeven hundred and ſixty four no perſon whatſoever (except the proprietor, his tenants and farmers, of the ſalmon fiſhery aforeſaid) ſhall make uſe of any boat, or of any net or nets, that will have a ſole rope with ſinks affixed thereunto, nor of any other inſtrument whatſoever, wherewith ſalmon may be taken or killed in the ſaid river from the ſalmon wyer above the town of Sligo down to the oyſter iſland; and if any perſon ſhall offend herein, every ſuch offender for every ſuch offence ſhall forfeit the ſum of five pounds ſterling, together with the boat or boats, net or nets, and all other ſorts of inſtruments uſed by them in ſuch offence, to be recovered and diſpoſed of in manner herein before mentioned.

The like of the ſalmon-fiſhery of Sligo from the weir to the oyſter iſland.

IV. And whereas in the river of Loughfoyle in the counties of Londonderry, Donegal, and Tyrone, ſalmon fiſh in the months of July, and Auguſt are known to be in the greateſt plenty and higheſt ſeaſon: be it enacted by the authority aforeſaid, That it ſhall and may be lawful for the proprietors of the ſeveral fiſheries in the ſaid river of Loughfoyle, and for the perſons employed by or acting under them, to continue to fiſh until the firſt day of September in every year henceforward, any thing herein before contained to the contrary thereof in any wiſe notwithſtanding.

In Loughfoyle proprietors or thoſe employed may fiſh till 1ſt September.

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CHAP. XXXVI.

An Act for making more convenient the Approaches to the City of Dublin by making a new Turnpike Road on the South Side, the Weſt Side, and the North Side of the ſaid City, to commence at the Road leading from Dublin to Donnybrook, and to terminate at Cavendiſh-ſtreet.

Repealed by 17 & 18 G. 3. c. 10. ſ. 1.

WHEREAS the approaches of the city of Dublin are at preſent very inconvenient to his Majeſty's ſubjects, and the making a new road on the ſouth ſide, the weſt ſide, and the north ſide of the ſaid city will in a great meaſure remove ſuch inconvenience by opening a ſafe and eaſy communication between the great weſtern, ſouthern, and northern roads of this kingdom and the different parts of the city of Dublin, whereby great utility and benefit will ariſe, not only to the inhabitants of the city of Dublin, but to the inhabitants of the ſeveral adjacent counties, and to the publick in general; the principal avenues leading to the city will thereby be enlarged, the pavements of the ſtreets will be much preſerved, and the many obſtructions therein by carriages in a great meaſure removed: but for as much as the ſeveral purpoſes aforeſaid cannot be anſwered and carried into execution, unleſs proviſion is made by a toll or otherwiſe for the purchaſing or hiring of the ſeveral proprietors a paſſage through their lands, and for the better enabling the truſtees hereafter named to make a ſufficient and commodious road from, to, and through the places before mentioned, and for keeping the ſame in conſtant repair for the future: be it therefore enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That for the better making, ſurveying, ordering, amending, and keeping in repair the ſaid road his grace the lord Primate, the archbiſhop of Dublin, lord Chancellor, marquiſs of Kildare, earl of Meath, earl of Tyrone, earl of Shannon, earl of Milltown, earl of Charlemont, lord Fitz-William, lord Palmerſtown, lord Jocelyn, lord Powerſcourt, lord Brabazon, lord Newtown, lord Boyle, lord Howth, the ſpeaker of the houſe of Commons, lord chief juſtice Flood, the right honourable lord chief juſtice Aſton, lord chief baron Willes, Arthur Trevor eſquire, Nathaniel Clements eſquire, Anthony Malone eſquire, William Henry Forteſcue eſquire, Charles Gardiner eſquire, ſir Compton Domvile baronet, Hercules Longford Rowley eſquire, Benjamin Burton eſquire, Thomas Conolly eſquire, ſir William Fownes baronet,

baronet, Francis Andrews eſquire, Philip Tiſdal eſquire, Mr. Prime Serjeant, Mr. Solicitor General, Henry Monk eſquire, John Bourke eſquire, Bellingham Boyle eſquire, lord mayor, recorder, and ſheriffs of the city of Dublin, members of Parliament for the city and county of Dublin for the time being, Edmond Sexton Pery eſquire, colonel Robert Cunningham, Agmondiſham Veſey eſquire, Henry Mitchell eſquire, Anthony Forſter eſquire, Redmond Morres eſquire, Mr. ſerjeant Patterſon, John Hatch eſquire, honourable John Butler eſquire, Lucius O'Brien eſquire, John Monk Maſon eſquire, John Fitz Gibbon eſquire, Thomas Waite eſquire, Thomas Eyre eſquire, Thomas Cobb eſquire, Henry Lyons eſquire, Hamilton Gorges eſquire, Graves Chamney eſquire, Thomas Monk eſquire, Eyre Trench eſquire, Arthur Pomeroy, eſquire, colonel Richard Fitzgerald, John St. Leger eſquire, John Damer eſquire, John Magill eſquire, Maurice Copinger eſquire, doctor Clement, colonel John Pomeroy, Henry Stanford eſquire, William Harward eſquire, Thomas Lehunt eſquire, Charles O'Hara eſquire, Edward Nicholſon eſquire, John Parnel eſquire, honourable Barry Maxwell eſquire, James Smith eſquire collector of Dublin, James Forteſcue eſquire, Michael Dally eſquire, Robert Fitzgerald eſquire, Peter Holmes eſquire, Robert Patrick eſquire, and George Hart eſquire, and all his Majeſty's juſtices of the peace for the county of Dublin and the city of Dublin, ſhall be nominated, conſtituted, and appointed truſtees for making and keeping in repair the ſaid road, and for putting into execution the ſeveral powers and authorities mentioned and contained in this act.

II. And be it enacted by the authority aforeſaid, That the ſaid truſtees, and ſuch other perſon or perſons as ſhall hereafter be appointed truſtees in purſuance of this act, or any ſeven or more of them, ſhall have full power and authority, and they are hereby authorized, and impowered, and required, to open and make and to keep in repair, during the term hereafter mentioned, a new road on the ſouth ſide, the weſt ſide, and north ſide of the ſaid city, to begin and commence at the little bridge oppoſite the north weſt angle of lord chief juſtice Aſton's wall upon the road leading from Dublin to Donnybrook, from thence to a pair of ſtone piers leading unto Swan's Gardens upon the Milltown road, from thence to croſs the Rathmines road leaving Portobello on the ſouth, from thence thro' Caſtlerag lane into Rathfarnham road, from thence through Roper's Reſt, Watergate fields, Rahober lane, into Dolphin's barn road, from thence through the commons of Kilmainham to the houſe called Fox's houſe, from thence to Golden bridge on the road leading from Kilmainham to the turnpike on the Rathcoole road, and from Golden-bridge in a ſtreight line to the road leading from Dublin to Inchicore, and from

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thence to croſs the river Anna Liffey, and to be continued to the road leading from Dublin to Finglaſs, in ſuch direction as the ſaid truſtees or any fifteen or more of them ſhall deem moſt convenient for the publick, and leaſt injurious to private property, and to be continued acroſs the ſaid road into Mc Donell's lane leading into Dorſet ſtreet, and from thence to proceed in a ſtraight line into Cavendiſh ſtreet, and to open a paſſage to make wide the ſaid lane, and all other parts of the ſaid road, in ſuch manner as they the ſaid truſtees or any ſeven or more of them ſhall think moſt convenent; which ſaid roads, and the ſaid lane ſo to be made wide and opened, ſhall be ſixty feet wide at the leaſt; and for that purpoſe the ſaid truſtees may and are hereby authorized and impowered to pull down and remove ſuch buildings, and lay into the ſaid road ſuch parts of the lands and grounds, through which the ſaid road ſhall paſs, as they or any ſeven or more of them ſhall think neceſſary, firſt making reaſonable ſatisfaction to the perſon who ſhall ſuſtain any damage thereby, in ſuch manner as is hereafter mentioned.

III. Provided, That no dwelling houſes or offices, or garden thereunto belonging ſhall be immediately pulled down or paſſed through without the conſent of the owner or owners.

IV. Provided always, That no part of the new intended road from the road leading to Inchicore and ending in Cavendiſh ſtreet, ſhall be carried through any part of the eſtate of the right honourable the lord Palmerſtown or of Henry Monk eſquire without their conſent or the conſent of the reſpective heirs previouſly had, the ſaid lord Palmerſtown and Henry Monk being the only perſons who have petitioned againſt the ſaid heads of a bill.

V. Provided always, That it ſhall and may be lawful for the ſaid truſtees to make diſtinct and ſeparate mortgages of the tolls of the ſouthern and northern line, and alſo to carry on the ſame as different works, and by and out of diſtinct and ſeparate funds, if they ſhall think proper.

VI. And be it further enacted by the authority aforeſaid, That the ſaid truſtees or any ſeven or more of them, or ſuch perſon or perſons as they or any ſeven or more of them ſhall authorize and appoint, ſhall and may erect or cauſe to be erected one or more gate or gates, turnpike or turnpikes, in, upon, or acroſs any part or parts of the ſaid roads or lanes, and alſo a toll houſe or toll houſes, and there ſhall demand, receive, and take the tolls and duties following, before any horſe, mare, or gelding, cattle, coach, berlin, chariot calaſh, chair, waggon, wain,

cart, carr, or other carriage ſhall be permitted to paſs the ſame, *viz.* for every coach, berlin, chariot, calaſh, chaiſe, or chair drawn by ſix horſes or beaſts of burthen, or more, the ſum of one ſhilling; and for every coach, berlin, chariot, calaſh, chaiſe, or chair drawn by leſs number than ſix and more than two, the ſum of nine pence; for every coach, berlin, chariot, calaſh, chaiſe, or chair drawn by two horſes ſix pence; for every wain, cart, or carriage with four wheels, the ſum of two ſhillings and ſix pence; for every wain, cart, or carriage with two wheels, having more than one horſe, mare, gelding, or beaſt of burthen, the ſum of three pence; for every carr or other carriage having but one horſe, mare, gelding, or beaſt of burthen, the ſum of one penny half penny; for every horſe, mare, gelding, mule, or aſs, laden or unladen and not drawing, one penny; for every drove of oxen or neat cattle the ſum of ten pence *per* ſcore, and ſo in proportion for any greater or leſſer number; for every drove of calves, hoggs, ſheep, or lambs, the ſum of five pence *per* ſcore, and ſo in proportion for any greater or leſſer number; for every coach, berlin, chariot, calaſh, chaiſe, or chair, every cart, carr, or other carriage, and for every horſe, mule, or other beaſt, and all cattle travelling on Sundays at any time between ſunriſe and ſunſet, double the toll to which they are hereby made liable on any of the other ſix days; which ſaid reſpective ſum and ſums of money ſhall be demanded and taken in the name of or as a toll or duty; and the money ſo to be raiſed as aforeſaid is and ſhall hereby be veſted in the ſaid truſtees; and the ſame and every part thereof ſhall be paid, applied, and diſpoſed of, and aſſigned to and for the ſeveral uſes, intents, and purpoſes, and in ſuch manner, as is herein after mentioned and directed; and the ſaid truſtees are hereby impowered by themſelves, or any perſon or perſons by them or any ſeven or more of them under their hands and ſeals thereunto authorized, to levy the toll or duty hereby required to be paid upon any perſon or perſons, who ſhall after demand made thereof neglect or refuſe to pay the ſame, by diſtreſs of any horſe or horſes, or any cattle or goods, upon which ſuch toll or duty is by this act impoſed, or upon any other of the goods and chattles of ſuch perſon or perſons who ought to pay the ſame, and may detain and keep the ſame, until ſuch toll or duty with the reaſonable charges of ſuch diſtraining or keeping ſhall be paid; and it ſhall and may be lawful to and for ſuch perſon and perſons ſo diſtraining, after the ſpace of five days after ſuch diſtreſs made and taken, to ſell the goods ſo diſtrained, returning the overplus (if any be) upon demand to the owner thereof, after ſuch toll, duty, and reaſonable charges for diſtraining and keeping the ſame, ſhall be deducted and paid.

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VII. Provided always, and be it further enacted by the authority aforeſaid, That no perſon ſhall be liable to pay toll more than once, who ſhall paſs, repaſs, or return through all or any of ſuch turnpikes to be erected by the authority of this act the ſame day, to be computed from twelve of the clock at night to twelve of the clock in the ſucceeding night, with the ſame coach or other carriage, horſe, or other cattle, and ſhall produce a ticket, that the toll was paid at any of the ſaid turnpikes, which note or ticket the receiver or receivers, collector or collectors, is and are hereby required to give gratis upon receipt of the ſaid toll; and if any perſon having paid toll, and having ſuch note or ticket as is hereby directed to be given, ſhall give, offer, or diſpoſe of the ſame to any other perſon or perſons, or ſhall alter the ſame in order to avoid the payment of any of the ſaid tolls, every ſuch perſon giving, offering, diſpoſing, or altering of ſuch note or ticket, and the perſon receiving and making uſe thereof, ſhall reſpectively forfeit and pay the ſum of ten ſhillings.

VIII. And be it further enacted by the authority aforeſaid, That out of the firſt money ariſing from the profits of the ſeveral turnpikes ſo to be erected, or out of any money borrowed or to be borrowed on the credit of this act, the ſaid truſtees, or any ſeven or more of them, ſhall firſt pay and diſcharge the expence of procuring this act of Parliament, and of making the ſaid new road, and of paying for the purchaſe of grounds and houſes, and of making compenſation for damages, as by this act is directed, and of erecting ſuch turnpike or turnpikes, or building ſuch toll houſe or toll houſes; and from and after ſuch charges and expences ſhall be fully ſatisfied and paid, that then and from thenceforth the profits ariſing and the toll to be collected at each and every ſuch turnpike or turnpikes, to be erected and ſet upon the ſaid new road, ſhall be applied for and towards the repair of the ſaid road only, and not otherwiſe.

IX. And be it further enacted by the authority aforeſaid, That the ſeveral truſtees herein before named, or any ſeven or more of them, ſhall be and are hereby authorized and impowered from time to time to treat, contract, and agree with the ſeveral owners, proprietors, occupiers of and perſons intereſted in any lands, tenements, houſes, buildings, grounds, or hereditaments for the purchaſe thereof, or by way of annual rent for the ſame, or otherwiſe, as the ſaid reſpective truſtees or any ſeven or more of them ſhall think fit, and likewiſe for the loſs or damage ſuch owners, proprietors, occupiers, and perſons intereſted, or any of them, ſhall or may any ways

ways reſpectively ſuſtain by ſuch opening, making, and repairing the ſaid new intended road; and out of the tolls collected or to be collected by virtue of this act, or out of any money borrowed or to be borrowed on the credit of this act, to pay for the purchaſe of ſuch lands, tenements, houſes, buildings, grounds, or hereditaments, or for ſuch loſs or damage, ſuch ſum or ſums of money or annual rent, as ſhall be agreed upon between ſuch owners, proprietors, occupiers, and perſons intereſted as aforeſaid, and the ſaid reſpective truſtees, or any ſeven or more of them reſpectively, and alſo the coſts and charges attending ſuch agreements and purchaſes reſpectively.

X. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for all bodies politick, corporate, or collegiate, corporations aggregate or ſole, and all feoffees in truſt, executors, adminiſtrators, guardians, committees, or other truſtees whatſoever, for or on behalf of any infants, femes covert, lunaticks, ideots, or ceſtui que truſts, and for all and every perſon or perſons whomſoever, who are or ſhall be ſeized, poſſeſſed of, or intereſted in any wiſe in any ſuch lands, tenements, houſes, buildings, grounds, or hereditaments, to treat, contract, and agree with the ſaid reſpective truſtees or any ſeven or more of them for the purchaſe of ſuch lands, tenements, houſes, buildings, grounds, or hereditaments, through which ſuch new intended road ſhall paſs, or of their intereſt therein for the purpoſes aforeſaid, and to ſell and convey the ſame to the ſaid truſtees, or to ſuch perſon or perſons in truſt for them, in ſuch manner as the ſaid reſpective truſtees, or any five or more of them, ſhall direct, and as occaſion ſhall be and require; and all contracts, agreements, ſales, and conveyances, which ſhall be ſo made, ſhall be valid to all intents and purpoſes, any law, ſtatute, uſage, or any other matter or thing whatſoever to the contrary thereof in any wiſe notwithſtanding; and all feoffees in truſt, executors, adminiſtrators, guardians, committes, and truſtees, corporations, aggregate or ſole, and all other perſons are and ſhall be hereby indempnified, for what they ſhall do by virtue of or in purſuance of this act.

XI. And be it further enacted by the authority aforeſaid, That if any ſuch owner, proprietor, occupier, truſtee or truſtees, committee or committees, bodies politick, corporate, or collegiate, aggregate or ſole, or any other perſon or perſons in any wiſe intereſted in any ſuch lands, tenements, buildings, houſes, grounds, or hereditaments, upon fourteen days notice to them given, or left in writing at the dwelling houſe or houſes or place or places of abode of ſuch perſon or perſons, or of the head officer or officers of ſuch body politick, corporate, or collegiate, ag-

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gregate or ſole, or at the houſe of the tenant in poſſeſſion of ſuch lands, tenements, houſes, buildings, grounds, and hereditaments, ſhall neglect or refuſe to treat, or ſhall not agree for the purchaſe of any ſuch lands, tenements, houſes, buildings, grounds, and hereditaments, or any part or parts thereof, or for their intereſt therein, or for any annual rent to be paid for the ſame, or by reaſon of abſence ſhall be prevented from treating as aforeſaid, then and in ſuch caſe the ſaid reſpective truſtees, or any ſeven or more of them, ſhall cauſe it to be inquired into and aſcertained by and upon the oath of a jury of twelve indifferent men of the county of Dublin (which oath any three or more of ſuch reſpective truſtees are hereby impowered and required to adminiſter) what damages will be ſuſtained by, and what recompence and ſatisfaction ſhall be made to, ſuch owners, occupiers, or proprietors, or other perſon or perſons intereſted for or upon account of the opening or making ſuch road; and in order thereunto the ſaid reſpective truſtees, or any ſeven or more of them reſpectively, are hereby impowered and required from time to time, as there ſhall be occaſion, to ſummon and call before the ſaid jury and examine upon oath all perſons whatſoever, who ſhall be thought neceſſary or proper to be examined as witneſſes touching or concerning the premiſſes (which oath any three or more of ſuch reſpective truſtees are hereby impowered and required to adminiſter) and, if any of the parties intereſted ſhall requeſt the ſame, ſhall alſo cauſe the ſaid jury to view the place or places in queſtion, and ſhall uſe all other lawful ways and means as well for their own as for the ſaid juries better information in the premiſſes, in ſuch manner as they the ſaid reſpective truſtees or any ſeven or more of them reſpectively ſhall think fit; and after the ſaid jury ſhall have ſo inquired of, aſcertained, and ſettled ſuch damage and recompence, they the ſaid truſtees or any ſeven or more of them ſhall thereupon order and adjudge the ſum or ſums of money, ſo aſſeſſed by the jury for ſuch purchaſes or ſuch annual rents as aforeſaid, to be paid to the perſons intereſted in ſuch lands, tenements, buildings, houſes, grounds, or hereditaments, according to the verdict and inquiſition of ſuch jury; which ſaid verdict or inquiſition, and the order and adjudication ſo had and made, ſhall be final and concluſive to all intents and purpoſes againſt all parties or perſons whatſoever claiming in poſſeſſion, reverſion, remainder, or otherwiſe, their heirs, executors, or adminiſtrators, and ſucceſſors reſpectively, as well abſent as preſent, infants, femes covert, lunaticks, ideots, and perſons under any other diſability whatſoever, bodies politick, corporate, or collegiate, aggregate, or ſole, as well as other perſon or perſons whomſoever; and all and every ſuch owners, occupiers, and

prietors, and all and every perſon and perſons intereſted in ſuch lands, tenements, buildings, houſes, grounds, or hereditaments, ſo purchaſed as aforeſaid, ſhall thereby be from thenceforth to all intents and purpoſes diveſted of all right, claim, intereſt, or property of, in, to, or out of the ſame; and for the ſummoning and returning of ſuch jury and juries the ſaid reſpective truſtees, or any ſeven or more of them, are hereby impowered from time to time to iſſue their warrant or warrants to the ſheriff of the ſaid county, thereby requiring him to impannell, ſummon, and return an indifferent jury of twenty four perſons to appear before the ſaid reſpective truſtees, or any ſeven or more of them, at ſuch time and place as in ſuch warrant ſhall be appointed, of which time and place all parties intereſted ſhall have fourteen days notice given or left in manner aforeſaid; and the ſaid ſheriff is hereby required to impannell, ſummon, and return ſuch twenty four perſons accordingly, and out of the perſons ſo impannelled, ſummoned, and returned, or out of ſuch of them as ſhall appear according to or upon ſuch ſummons, the ſaid truſtees or any ſeven or more of them ſhall cauſe to be ſworn twelve, who ſhall be the jury for the purpoſes aforeſaid; and for default of a ſufficient number of jury men the ſaid ſheriff ſhall return ſo many of the ſtanders by, as ſhall be neceſſary to make up the number of twelve to ſerve on ſuch jury.

XII. Provided always, and be it further enacted by the authority aforeſaid, That all perſons concerned ſhall from time to time have their lawful challenges (but not to challenge the array of the pannell) againſt any of the ſaid jurymen, when they come to be ſworn; and the ſaid reſpective truſtees, or any ſeven or more of them, acting in the premiſſes ſhall have power from time to time to impoſe any reaſonable fine or fines on ſuch ſheriff, bailiffs, or agents, making default in the premiſſes, and on any of the perſons that ſhall be ſummoned and returned on ſuch jury, and ſhall not appear or refuſe to be ſworn on the ſaid jury, or to give their verdict in any manner, wilfully neglecting their duty therein contrary to the true intent and meaning of this act, and on any of the perſons, who, being required to give evidence touching the premiſſes, ſhall refuſe to be examined or give evidence, and from time to time to iſſue their warrant to levy ſuch fine and fines of the goods and chattels of ſuch perſon and perſons ſo fined, ſo as that no ſuch fine ſhall exceed the ſum of forty ſhillings upon any one perſon for any one offence.

XIII. Provided always, and be it further enacted by the authority aforeſaid, That the recompence or ſatisfaction, which ſhall be made to his Majeſty, his heirs and

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ſucceſſors, bodies politick, corporate, or collegiate, corporations aggregate or ſole, or any other perſon or perſons whoſe lands are limitted in ſtrict ſettlement, their heirs, executors, adminiſtrators, or ſucceſſors, iſſue, or leſſee reſpectively for the ground, which ſhall be taken by the ſaid truſtees in order to make ſuch road as aforeſaid, may be by way of annuity or annual rent, or by a ſum to be paid in groſs, either out of the tolls, or the money to be borrowed on the ſaid tolls, at the diſcretion of the ſaid truſtees or any ſeven or more of them.

XIV. And be it further enacted by the authority aforeſaid, That all ſuch ſums of money, conſideration, rent, recompence, or ſatisfaction, as ſhall be agreed for or aſſeſſed as aforeſaid for the purchaſe or hire of ſuch ground, ſo to be taken and made part of the ſaid new road, ſhall be, and is, and are hereby charged and chargeable upon the tolls belonging to the ſaid new road, and ſhall be paid thereout, or out of the moneys borrowed upon the credit of the ſame, to the reſpective perſons intitled thereto; and that upon payment of ſuch ſum or ſums which ſhall be ſo aſſeſſed for ſuch lands to be purchaſed as aforeſaid, or tender thereof and refuſal to accept the ſame, or in caſe any ſuch perſon or perſons after ſix days notice to be given to him, her, or them, or left at the houſe of the occupier of the premiſſes, ſhall refuſe or neglect to receive the ſame, then, upon leaving the ſame in the hands of the treaſurer to the ſaid reſpective truſtees to be paid upon demand to ſuch perſon or perſons, or after ſuch annuity or annual rent ſhall be ſo aſſeſſed as aforeſaid, it ſhall and may be lawful for the ſaid reſpective truſtees, or any ſeven or more of them, their ſucceſſors, workmen, or agents, to take down ſuch houſes, buildings, and tenements, and to lay the ground whereon the ſame were erected, and alſo ſuch other grounds, lands, or hereditaments as aforeſaid, or ſuch part thereof as they ſhall think fit, into the ſaid new road, and to do all and every ſuch act, matter, and thing with relation to ſuch lands, tenements, houſes, buildings, grounds, or hereditaments, and to ditch, drain, and fence out the ſame, as the ſaid reſpective truſtees or any ſeven or more of them ſhall think fit for carrying this act into execution; and ſuch lands, tenements, grounds, and hereditaments, after the money ſo contracted and agreed for, or ſo aſſeſſed and adjudged, for ſuch purchaſes as aforeſaid, ſhall be paid, tendered, or left, as herein directed, and after the ſaid premiſſes ſhall be ſo ditched, drained, and fenced, or ſuch part thereof as the ſaid truſtees or any ſeven or more of them ſhall direct, ſhall to all intents and purpoſes whatſoever become and be a common highway, and ſhall be repaired and kept in repair in ſuch manner, as is herein before and hereafter authorized and directed.

XV. And

XV. And be it further enacted by the authority aforeſaid, That the ſaid annuities or annual rents, ſo to be agreed for or aſſeſſed as aforeſaid, ſhall be paid from time to time, as the ſame ſhall become due, out of the tolls of the ſaid road by quarterly payments, and in the firſt place to the perſon or perſons who ſhall be intitled thereto, the firſt payment thereof to begin and be made at the end of three calendar months next after ſuch ground ſhall be taken by the ſaid truſtees as aforeſaid; and ſuch perſon or perſons ſhall during the continuance of this act have the ſame eſtate and intereſt in ſuch annuities or annual rents, as they would have had in the ſaid ground, in caſe this act had never been made; and in default of payment thereof by the ſaid truſtees within thirty days after the ſame ſhall become due, being demanded of the treaſurer or treaſurers for the time being of the ſaid reſpective truſtees, it ſhall and may be lawful for the perſon or perſons, who ſhall from time to time be intitled to the ſaid annuities, or annual rents, or any of them, to commence or proſecute one or more actions at law on the caſe or in debt againſt the treaſurer or treaſurers of the ſaid road on account of ſuch annuity or annual rent, and ſhall and may upon ſuch action or actions recover the money then due together with his, her, or their full coſts of ſuit, and have ſuch remedies for the ſame, as are allowed by law in other caſes; which ſaid money and coſts ſo recovered, when paid, ſhall be allowed to ſuch treaſurer in his account with the ſaid reſpective truſtees.

XVI. And be it further enacted by the authority aforeſaid, That if any perſon or perſons whatſoever owning, renting, or occupying any land near unto any turnpike to be erected in purſuance of this act, ſhall for gain, reward, or otherwiſe wittingly or willingly permit any perſon or perſons whatſoever to paſs through any gate, paſſage, or way with any coach, berlin, calaſh, chaiſe, or chair, waggon, wain, cart, carr, carriage, or riding or driving any horſe, aſs, or mule, or any ſort of cattle, and be thereof convicted upon oath before the ſaid truſtees, or any ſeven or more of them, or before any one juſtice of the peace for the county of Dublin, ſhall forfeit and pay to the truſtees, authorized to put this act in execution the ſum of ten ſhillings to be levied by diſtreſs and ſale of the offenders goods by warrant under the hand and ſeal or under the hands and ſeals of the ſaid truſtees, or any five or more of them, or ſuch juſtice of the peace, rendering the overplus to the owner, if any be, the charges of taking and diſpoſing of the ſaid goods being firſt deducted.

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XVII. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid truſtees or any ſeven or more of them to erect one or more gate or gates, turnpike or turnpikes, on the ſide of the ſaid highway or roads croſs any lane or way leading out of the ſaid road, and toll houſe and toll houſes, and there to receive and take ſuch toll as is appointed by this act to be taken; ſo as the ſame do not extend to any of the great roads now leading into the city of Dublin, nor to create a double charge in caſe of paſſing through any other of the turnpikes to be erected by virtue of this act between the city of Dublin and any of the adjacent counties.

XVIII. And be it further enacted by the authority aforeſaid, That the ſaid truſtees or any ſeven or more of them on their firſt meeting or any ſucceeding meeting by writing under their hands and ſeals may elect, nominate, and appoint a fit perſon to be treaſurer of the ſaid road, who is to receive the money from the collectors of the ſaid tolls, and to account for the ſame with the ſaid truſtees or any ſeven or more of them, and to appoint a ſalary for ſuch treaſurer payable out of the ſaid tolls, not exceeding the ſum of forty pounds ſterling by the year, for his trouble in ſuch office.

XIX. Provided always, and be it further enacted by the authority aforeſaid, That the ſaid truſtees, or any ſeven or more of them, ſhall and they are hereby required to take one thouſand pounds ſecurity for ſuch treaſurer, ſo to be appointed by this act, for the due execution of this office.

XX. And be it further enacted by the authority aforeſaid, That the ſaid truſtees or any ſeven or more of them at their firſt meeting or any ſucceeding meeting by writing under their hands and ſeals ſhall and may elect, nominate, and appoint one or more fit perſon or perſons to be receiver or receivers, collector or collectors, of ſuch money in the name of ſuch toll or duty, as ſhall be due and payable by virtue of this act, and alſo one or more fit perſon or perſons to be ſurveyor or ſurveyors to ſee the condition of the ſaid highway or road, and to ſee that the ſame be repaired and amended, and that the money ariſing and expended by virtue of this act be duly applied, and from time to time to remove ſuch treaſurer, collectors, receivers, and ſurveyors, or any of them, as they ſhall ſee occaſion, and appoint new ones in caſes of death or of ſuch removal; and ſuch perſon or perſons, as is or are by this act liable to pay the ſaid toll or duty, is and are hereby required to pay the ſame after the rates

aforeſaid to the ſaid receiver or receivers, collector or collectors, of the ſaid toll and duty in that behalf from time to time appointed as aforeſaid; and the ſaid perſon and perſons ſo appointed as aforeſaid for receiving the ſaid toll or duty, and all ſurveyor or ſurveyors as aforeſaid, ſhall upon oath, if thereto required by the truſtees or any ſeven or more of them, or before any juſtice of the peace reſiding near the highway or road aforeſaid, (which oath the ſaid truſtees or any three or more of them, or ſuch juſtice of the peace, is and are hereby impowered and required to adminiſter) on the firſt Tueſday in every month, or oftner if required, during the continuance of this act give in a true and perfect account in writing under their reſpective hands of all monies, which he, and they, and every or any of them, ſhall to ſuch time have received, paid, and diſburſed by virtue of this act by reaſon of their reſpective offices, for which oath no fee or reward ſhall be taken; and in caſe any money ſo received ſhall remain in their or any of their hands, the ſame ſhall be paid to the ſaid truſtees or any ſeven or more of them, or to the ſaid treaſurer of the ſaid road ſo appointed by them as aforeſaid, which ſums ſhall be laid out and diſburſed in amending the ſaid highway or roads according to the true intent and meaning of this act, and not otherwiſe; and the ſaid truſtees or any five or more of them, to whom ſuch account ſhall be given, ſhall and may out of the money ariſing by the ſaid toll or duty make ſuch allowance unto the ſaid receiver or receivers, collector or collectors, and the ſurveyor or ſurveyors, for and in conſideration of his and their care and pains reſpectively taken in the execution of his and their office and offices, and to ſuch other perſon or perſons, who have been or ſhall be aſſiſting in and about procuring the ſaid highways and roads to be amended and repaired by advancing and laying out any money or otherwiſe relating thereunto, as to them ſhall ſeem good; and in caſe the ſaid receiver or receivers, collector or collectors, of the aforeſaid toll or duty, or any of them, ſhall not make ſuch account and payment unto ſuch treaſurer as aforeſaid, that then any two or more juſtices of the peace of the ſaid county of Dublin ſhall at the inſtance and requeſt of the ſaid truſtees, or any five or more of them, or of the ſaid treaſurer, make enquiry of and concerning ſuch default as well by confeſſion of the ſaid parties themſelves as by the teſtimony of one or more credible witneſs or witneſſes upon oath, which oath they are hereby impowered and required to adminiſter without fee or reward; and if any perſon or perſons ſhall be convicted thereof by ſuch juſtices, the ſaid juſtices ſhall upon ſuch conviction commit the party or parties to the common gaol of the county, where ſuch offence ſhall be committed, there to remain without bail or mainprize until he or they ſhall have made a true and perfect account and payment as is aforeſaid.

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XXI. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid ſurveyor or ſurveyors, and ſuch perſon and perſons as he or they ſhall appoint, to dig, raiſe, gather, take, and carry away any gravel, furze, ſand, ſtones, or other materials out of any waſte or common of any pariſh, town, village, or hamlet, in or near which any founderous or ruinous places of the ſaid highways or roads do lye, and for want of ſufficient gravel, furze, ſand, ſtones, or other materials there to dig, gather, raiſe, take, and carry away the ſame out of the waſte or common of any neighbouring pariſh, town, village, or hamlett without paying any thing for the ſame; and where there is not ſufficient of ſuch materials in any commons or waſte grounds near adjoining, it ſhall and may be lawful by order of the ſaid truſtees, or any five or more of them, to dig, raiſe, and gather the ſame in the ſeveral grounds of any perſon or perſons, not being a garden, orchard, yard, or meadow, planted walk or walks, or avenue to a houſe, where any ſuch materials are or may be found, and from time to time to carry away ſuch and ſo much thereof, as the ſaid ſurveyor or ſurveyors in their reſpective places ſhall judge neceſſary for the repairing and amending the ſaid highways or roads, paying ſuch rates for ſuch materials to the owner or occupier of the ground, from which the ſame ſhall be digged, raiſed, gathered, and carried away, as the truſtees appointed to put this act in execution ſhall adjudge reaſonable; and in caſe of any difference between ſuch owner or occupier and the ſaid truſtees touching the damage aforeſaid the juſtices of the peace at the next general quarter ſeſſions to be held in and for the county of Dublin may and ſhall adjudge, aſſeſs, and finally determine the ſame.

XXII. And be it further enacted by the authority aforeſaid, That the ſaid truſtees or any ſeven or more of them may borrow money on the credit of the tolls to them granted by this act, and may apply the ſame in defraying the expences of obtaining and carrying this act into execution, and aſſign over the ſaid toll or any part thereof by writing under their or any ſeven or more of their hands and ſeals for any time or term during the continuance of this act as a ſecurity for any ſum or ſums of money to be advanced or lent to him on the credit thereof, payable to ſuch perſon and perſons who ſhall ſo lend the ſame, with ſuch rate of intereſt, not exceeding the legal intereſt by the hundred, as the ſaid truſtees or any ſeven or more of them ſhall by writing under their hands and ſeals promiſe or agree to pay for the ſaid money ſo to be borrowed on the credit of the ſaid tolls; which intereſt ſhall be paid half yearly by the treaſurer of the ſaid road according to the agreement of the ſaid truſtees, or any ſeven or more of them, as aforeſaid.

XXIII. And

XXIII. And be it further enacted by the authority aforeſaid, That no part of the lands, which ſhall be purchaſed by the authority of this act for making any part of the ſaid road, or any part of the lands through which the ſaid road ſhall paſs, ſhall be made uſe of for the erecting of any building whatſoever, other than of ſuch toll houſes as may be erected by order of the ſaid truſtees; and that no building whatſoever except ſuch toll houſe ſhall be erected within twenty five feet of the ſaid road on either ſide; and that no building whatſoever, except houſes whoſe walls ſhall be ſeventeen feet high at the leaſt, and built of ſtone or brick with lime, mortar, and well laſhed and ſlated, ſhall be erected within eighty feet of the ſaid road on either ſide; provided that this ſhall not extend to the neceſſary offices and incloſures belonging to ſuch houſe; and that no part of the ſaid new road ſhall be paved without a warrant firſt obtained for that purpoſe under the hands and ſeals of the ſaid truſtees or any ſeven or more of them; and if any ſuch buildings ſhall be hereafter erected, or if any part of ſuch new road ſhall be paved, contrary to the true intent and meaning of this act, the ſame ſhall be deemed common nuiſances.

XXIV. And be it further enacted by the authority aforeſaid, That no perſon or perſons keeping any inn, alehouſe, or other houſe of publick entertainment, or who ſhall ſell ale, wine, brandy, or other ſpirituous liquors, ſhall be capable of taking, holding, or enjoying any place or places of truſt or profit under this act.

XXV. And be it further enacted by the authority aforeſaid, That the toll or duty hereby granted ſhall take place and have continuance only from and after the firſt day of May in the year of our Lord one thouſand ſeven hundred and ſixty four, and during the term of forty one years.

XXVI. And be it further enacted by the authority aforeſaid, That for the continuing a ſufficient number of fit and able perſons to be truſtees for putting in execution all and every the powers in this act contained and for and during the continuance thereof it ſhall and may be lawful to and for the ſaid truſtees, or any ſeven or more of them, upon the death of any of the ſaid truſtees, or removal, or refuſing to act in the ſaid truſt, by any writing or writings under their hands and ſeals from time to time and at all times hereafter during the term aforeſaid to elect, nominate, and appoint in the room of ſuch truſtee or truſtees ſo deceaſed, removed, or refuſing to act, ſo many more fit and able perſon or perſons, living in the ſaid county of Dublin or city of Dublin, to be joined with the ſaid truſtees in the execution

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cution of all and every the power and powers in them repoſed by virtue of this act; and all and every perſon or perſons ſo to be choſen truſtee or truſtees to join in putting this act in execution ſhall and may, and they are hereby impowered to, act to all intents and purpoſes in as full, large, and ample manner, as the ſaid truſtees are by this act impowered to do and ſo *toties quoties* as often as occaſion ſhall be or require.

XXVII. And be it further enacted by the authority aforeſaid, That the ſaid truſtees, or any ſeven or more of them, ſhall meet at Kilmainham in the county of Dublin the firſt day of June in the year of our Lord one thouſand ſeven hundred and ſixty four; and the ſaid truſtees ſhall then adjourn themſelves, and afterwards meet there or at any other place or places near the ſaid intended new road, as the ſaid truſtees or any ſeven or more of them ſhall think proper or convenient, as often as it ſhall be neceſſary for putting this act in execution; and if it ſhall happen, that there ſhall not appear at any meeting which ſhall be appointed to be had or held by the ſaid truſtees, a ſufficient number of truſtees to act at ſuch meeting, and to adjourn to any other day, then and in ſuch caſe the clerk or treaſurer to the ſaid truſtees by notice in writing to be affixed at the reſpective gates or turnpikes at leaſt ten days before the next meeting, ſhall appoint the ſaid truſtees to meet at the houſe, where the meeting of the ſaid truſtees was laſt appointed to be held, or at ſome other convenient houſe near the ſaid intended new road, on ſuch day as ſhall be mentioned in the ſaid notice; and the ſaid truſtees at their firſt meeting and at all their ſubſequent meetings ſhall defray their own charges and expences.

XXVIII. Provided always, and be it further enacted by the authority aforeſaid, That no perſon or perſons, appointed or to be appointed truſtees for putting this act in execution, ſhall have or accept of any place of profit ariſing out of or by reaſon of the toll or duty by this act laid or granted, but ſuch perſon or perſons ſhall be incapable from the time of accepting and continuing to enjoy ſuch place of profit of acting as a truſtee.

XXIX. And be it further enacted by the authority aforeſaid, That the ſaid truſtees, or any ſeven or more of them, ſhall have full power and authority to cauſe ſuch part or parts of the ſaid new road to be well watered, when there ſhall be occaſion, and to be done in ſuch manner as the ſaid truſtees or any ſeven or

more of them ſhall direct, and to defray the expences ariſing thereby out of the tolls collected or to be collected by the authority of this act, any thing herein contained to the contrary thereof in any wiſe notwithſtanding. A. D. 1763.

XXX. And be it further enacted by the authority aforeſaid, That if any ſuit ſhall be commenced againſt any perſon or perſons for any thing done in purſuance of this act, that in every ſuch caſe the action or ſuit ſhall be commenced within ſix calendar months, next after the fact ſhall be committed, and not afterwards; and ſhall be laid in the ſaid county of Dublin, and not elſewhere; and the defendant or defendants in ſuch action or actions to be brought ſhall and may plead the general iſſue, and give this act and the ſpecial matter in evidence at any trial to be had thereupon, and that the ſame was done in purſuance and by the authority of this act; and if it ſhall appear ſo to have been done, or that ſuch action or ſuit was brought after the time before limitted, or in any other county or place than in the ſaid county of Dublin, that then the jury ſhall find for the defendant or defendants; and upon ſuch verdict, or if the plaintiff ſhall be nonſuited or diſcontinue his action, after the defendant or defendants ſhall have appeared, or if on any demurrer judgment ſhall be given againſt the plaintiff, the defendant or defendants ſhall and may recover treble coſts, and have the like remedy for the ſame, as any defendant or defendants hath or have in other caſes by law.

XXXI. And be it further enacted by the authority aforeſaid, That this act ſhall be deemed, adjudged, and taken to be a publick act, and be judicially taken notice of as ſuch by all judges, juſtices, and other perſons whatſoever without ſpecially pleading the ſame.

CHAP. XXXVII.

An Act for reviving, continuing, and amending an Act paſſed in the ſeventh Year of the Reign of his late Majeſty King George the ſecond, intituled, *An Act for repairing the Road leading from the Town of Kinnegad in the County of Weſtmeath to the Town of Athlone in the ſaid County.*

WHEREAS by an act paſſed in the ſeventh year of the reign of his late Majeſty King George the ſecond, intituled, *An act for repairing the road leading from the town of Kinnegad in the county of Weſtmeath to the town of Athlone in the ſaid county*, ſeveral tolls and duties were granted and made payable for repairing the ſaid road; and whereas the truſtees appointed to put the ſaid act into execution have borrowed ſeve- 7 G. 2. 19. continued 31 years.

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ral ſums of money on the credit thereof, which ſtill remain unpaid, and have applied the ſame, together with the tolls and duties collected by virtue of the ſaid act, for the uſes and purpoſes therein directed: and whereas the ſaid act was to commence and did commence on the firſt day of May in the year of our Lord one thouſand ſeven hundred and thirty four, and from thence to continue in force during the term of thirty one years, and the ſaid road cannot effectually be kept in repair, or the money ſo borrowed, or any ſum of money which ſhall be hereafter borrowed for the uſe of the ſaid road, be repaid without ſome further proviſion to be made for that purpoſe: be it therefore enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid act made in the ſeventh year of the reign of his late Majeſty King George the ſecond, intituled, *An act for repairing the road leading from the town of Kinnegad in the county of Weſtmeath to the town of Athlone in the ſaid county*, and all and every the powers, authorities, articles, clauſes, and penalties therein contained, ſhall be and remain in full force and effect, from and after the expiration of the ſaid term of thirty one years for and during the further term of thirty one years, for the intents and purpoſes, in the ſaid act and herein after mentioned, as fully and effectually, to all intents and purpoſes, as if the ſaid powers, authorities, articles, clauſes, and penalties, granted and given by the ſaid act, were herein again repeated and reenacted in the body of this preſent act; any thing in the ſaid former act contained to the contrary thereof notwithſtanding.

Surviving truſtees and all juſtices for Weſtmeath truſtees,

II. And be it enacted by the authority aforeſaid, That the ſurviving perſons nominated and appointed in and by the ſaid former act, and the perſon and perſons elected and appointed by virtue of the ſaid former act, and alſo all his Majeſty's juſtices of the peace for the county of Weſtmeath, ſhall be truſtees for putting the ſaid former act and this preſent in execution, and all the powers and authorities therein and herein given and enacted, to all intents and purpoſes, as if they had been named in this act; and in caſe any of the truſtees named in, or elected, nominated, or appointed by virtue of the ſaid former act, ſhall happen to die, or refuſe to act, that then it ſhall and may be lawful to and for the ſaid truſtees, or any five or more of them, during the continuance of the ſaid former act, or of this preſent act, to elect nominate, and appoint in the room of ſuch perſon or perſons ſo dying or refuſing to act, ſo many more fit and able perſon and perſons reſiding in the ſaid county of Weſtmeath, to be joined with them, and to be truſtees for the execution of the ſaid former

any five on death or refuſal, may elect others reſiding in Weſtmeath.

mer and this preſent act; and all and every perſon and perſons ſo elected, nominated, and appointed, ſhall and may, and are hereby impowered to act as truſtees to all intents and purpoſes, as the ſaid truſtees by the ſaid former act are impowered to do, and ſo from time to time as often as there ſhall be occaſion.

and out of the tolls firſt pay expences of this act,

III. And be it enacted by the authority aforeſaid, That out of the profits to ariſe by the tolls and duties to be collected purſuant to the ſaid former act, the ſaid truſtees, or any five or more of them, ſhall firſt pay and diſcharge the coſts and expences of obtaining this act of Parliament; and from and after ſuch coſts and expences ſhall be fully paid and ſatisfied, that then and from thenceforth the tolls and duties, made payable by the ſaid former act, and by this preſent act, ſhall be applied to and for the ſame uſes and purpoſes, as are directed and appointed of and concerning the ſame in and by the ſaid former act.

then to uſes of 7 G. 2. 19.

Toll to ceaſe on adjudication by truſties of ſufficient repair, repayment of loan, intereſt, and coſts.

IV. Provided nevertheleſs, That if at any time before the expiration of the term of thirty one years, all parts of the ſaid road ſhall be ſufficiently amended and repaired, and ſo adjudged to be by the majority of the truſtees appointed or hereafter to be choſen by virtue of the ſaid former, or this preſent act, by an adjudication under their hands and ſeals, that then, and from and after ſuch adjudication made, and repayment of ſuch money, as hath been heretofore, or ſhall be hereafter borrowed for the purpoſes in the ſaid former act mentioned, with intereſt for the ſame, and the coſts and charges thereof, the ſaid toll and duties ſhall ceaſe and determine, any thing herein contained to the contrary notwithſtanding.

Truſtees to bear charges at meeting,

V. And be it enacted by the authority aforeſaid, That at all meetings to be had of the ſaid truſtees, purſuant to, or in execution of the ſaid former act, or this preſent act, the truſtees ſhall bear and defray their own charges and expences reſpectively; and

not to accept place of profit out of toll.

that no perſon or perſons, appointed or to be appointed a truſtee or truſtees for putting the ſaid former act or this preſent act in execution, ſhall have or accept of any place or contract of profit ariſing out of, or by reaſon of the tolls and duties by the ſaid former act, or by this preſent act laid or granted; but ſuch perſon or perſons ſhall be incapable from the time of entering into ſuch contract, or accepting ſuch place of profit, of acting as a truſtee.

Suits for acting laid in Weſtmeath.

VI. And be it enacted by the authority aforeſaid, That if any ſuit ſhall be commenced againſt any perſon or perſons for any thing done in purſuance of the ſaid former act, or this preſent act, that in every ſuch caſe the action ſhall be laid in the ſaid county of Weſtmeath, and not elſewhere; and the de-

A. D. 1763. Chap. 37.

fendant or defendants in ſuch action or actions to be brought, may plead the general iſſue, and give this act and the ſpecial matter in evidence at any trial to be had thereupon, and that the ſame was done in purſuance, and by the authority of the ſaid former act, or of this preſent act; and if it ſhall appear to have been done, or that ſuch action or actions ſhall be brought in any other county, then the jury ſhall find for the defendant or defendants; and upon ſuch verdict, or if the plaintiff ſhall be non-ſuited, or diſcontinue his action, after the defendant or defendants ſhall have appeared, or if on any demurrer judgment ſhall be given againſt the plaintiff, the defendant or defendants may and ſhall have and recover treble coſts, and have the like remedy for the ſame, as any defendant or defendants hath or have in other caſes by law.

defendants, may plead general iſſue, &c.

and treble coſts on verdict, nonſuit, &c.

No turnpike in Athlone or liberties.

VII. Provided always, That nothing herein contained ſhall impower the truſtees to erect any turnpike or turnpikes in the ſaid town of Athlone, or the liberties thereof.

A publick act.

VIII. And be it enacted by the authority aforeſaid, That this act ſhall be deemed, adjudged, and taken to be a publick act, and be judicially taken notice of as ſuch by all judges, juſtices, and other perſons watſoever, without ſpecially pleading the ſame.

THE

THE FIFTH YEAR OF GEORGE III.

CHAP. I.

An Act for granting to His Majeſty an additional Duty on Beer, Ale, Strong Waters, Wine, Tobacco, Hides, and other Goods and Merchandizes therein mentioned; and for prohibiting the Importation of all Gold and Silver Lace, except of the Manufacture of Great-Britain.

A. D. 1765.

WE your Majeſty's moſt dutiful and loyal ſubjects the commons of Ireland in Parliament aſſembled having a juſt ſenſe of your royal care for the proſperity of all your ſubjects, and well knowing that the ſecurity of this your realm, and the continuance of the many bleſſings we enjoy under your Majeſty's mild and auſpicious reign depend on the ſupport of your Majeſty's go- *Expired 25 December, 1767.*

A. D. 1765. Chap. 1.

vernment, do moſt humbly beſeech your Majeſty, that it may be enacted, and be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the twenty fifth day of December one thouſand ſeven hundred and ſixty five until the twenty fifth day of December, which ſhall be in the year one thouſand ſeven hundred and ſixty ſeven incluſive, and no longer, there ſhall be throughout this your Majeſty's kingdom of Ireland granted, raiſed, collected, levied, and paid to your Majeſty, your heirs and ſucceſſors, the ſeveral rates, additional duties, and impoſitions herein after mentioned (that is to ſay) for and upon every thirty two gallons of beer or ale above the price of ſix ſhillings the barrel, brewed within this kingdom by any common brewer, or in his veſſels, or by any other perſon or perſons who doth, or do, or ſhall ſell or tap out beer or ale publickly or privately, the ſum of two ſhillings, to be paid by the common brewer, or by ſuch other perſon or perſons reſpectively, who ſhall brew, ſell, or tap out the ſame, and ſo proportionably for a greater or leſſer quantity; and for every thirty two gallons of beer or ale of the price of ſix ſhillings the barrel or under, brewed within this kingdom by any common brewer, or in his veſſels, or by any other perſon or perſons who doth, or do, or ſhall ſell or tap out beer or ale publickly or privately, the ſum of four pence, to be paid by the common brewer, or ſuch other perſon or perſons reſpectively, who ſhall brew, ſell, or tap out the ſame during the time aforeſaid, and ſo proportionably for a greater or leſſer quantity; for every gallon of aqua vitæ, ſtrong waters, or ſpirits, made or diſtilled within this kingdom for ſale, the ſum of four pence, to be paid by the firſt maker or diſtiller thereof during the time aforeſaid; for every pound weight of tobacco that ſhall be imported during the time aforeſaid into this kingdom, the ſum of three pence halfpenny; for every yard of muſlin that ſhall be imported into this kingdom during the time aforeſaid, the ſum of ſix pence; for every yard of all ſorts of ſilks and ſtuffs made and manufactured in Perſia, China, or the Eaſt Indies, that ſhall be imported into this kingdom during the time aforeſaid, the ſum of one ſhilling and ſix pence; for every tun of wine that ſhall be imported into this kingdom during the time aforeſaid, the ſum of four pounds, and ſo proportionably for a greater or leſſer quantity; for every gallon of brandy, ſtrong waters, and ſpirits perfectly made, and of ſpirits made and diſtilled of wine not above proof, that ſhall be imported into this kingdom during the time aforeſaid,

the

the ſum of eight pence, and ſo proportionably for a greater or leſſer quantity; and for every gallon of foreign ſpirits above the quantity of ſingle ſpirits, which ſhall be imported into this kingdom during the time aforeſaid, an additional duty ſhall be payable for ſuch ſpirits, and ſhall be charged thereon in proportion to the duties payable for ſingle ſpirits of the ſame denomination according to the comparative degree of ſtrength, which ſuch ſpirits ſo to be imported ſhall bear to ſingle ſpirits of the ſame denomination; for and upon every pound weight of tea, that ſhall be imported into this kingdom during the time aforeſaid, the ſum of twelve pence; and for and upon every pound weight of coffee, chocolate, and cocoa nuts, that ſhall be imported into this kingdom during the time aforeſaid, the ſum of three pence; an additional duty of twenty ſhillings ſterling on every hundred weight of molaſſes; an additional duty of twenty ſhillings ſterling on every hundred weight of treacle; an additional duty of ſix pence *per* yard for and upon all foreign ſtuffs, called romalls, and all manufactures made of cotton, or of cotton and linnen mixed, whether plain, printed, or ſtained, which ſhall be imported into this kingdom during the time aforeſaid, from any parts beyond the ſeas, except the manufacture of Great Britain; an additional duty of ſix pence *per* yard for and upon all cambricks (not of the manufacture of Great Britain) which ſhall be imported into this kingdom during the time aforeſaid, exceeding one yard wide; an additional duty of three pence *per* yard for and upon all cambricks and lawns (not of the manufacture of Great Britain) which ſhall be imported into this kingdom during the time aforeſaid; and alſo a further additional duty of three pence *per* yard for and upon all cambricks and lawns (not of the manufacture of Great Britain;) which ſhall be imported into this kingdom during the time aforeſaid; an additional duty of ſix pence *per* hide for and upon every raw and untanned hide, which ſhall be exported out of this kingdom to parts beyond the ſeas, (except to Great Britain) during the time aforeſaid; an additional duty of one ſhilling for every rheam of paper, which ſhall be imported into this kingdom during the time aforeſaid, (except of the manufacture of Great Britain) provided ſuch paper exceeds five ſhillings in value *per* rheam.

II. And be it further enacted by the authority aforeſaid, That all and ſingular the ſaid duties, and impoſitions hereby granted ſhall be raiſed, levied, collected, and paid unto your Majeſty, your heirs and ſucceſſors, during the time aforeſaid, over and above all other duties payable for the ſame by virtue of an act made in this kingdom in the fourteenth and fifteenth years of the reign of King Charles the

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the ſecond, intituled, *An act for the ſettling the exciſe or new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted*; or by virtue of one other act made in the fourteenth and fifteenth years of the reign of the ſaid King Charles the ſecond, intituled, *An act for ſettling the ſubſidy of poundage, and granting a ſubſidy of tunnage, and other ſums of money unto his royal Majeſty, his heirs and ſucceſſors, the ſame to be paid upon merchandizes imported and exported into or out of the kingdom of Ireland, according to the book of rates hereunto annexed.*

III. Provided always, and be it enacted by the authority aforeſaid, That if the ſaid wines, ſtrong waters, ſpirits perfectly made, and ſpirits made and diſtilled of wine and brandy, or ſpirits above the quality of ſingle ſpirits, upon which the ſaid additional duties are charged, ſhall after payment thereof, or ſecurity given for the ſame, be again exported by any merchant or merchants, that is or are a ſubject or ſubjects of this realm, or any other of your Majeſty's dominions, within twenty four calendar months, or by merchant ſtrangers within twelve calendar months after the importation thereof, and due proof firſt made by certificate from the proper officer, of the due entry of ſuch wines, ſtrong waters, ſpirits, perfectly made, and ſpirits made and diſtilled of wine, brandy, or ſpirits above the quality of ſingle ſpirits, and of the payment of the ſaid additional duties hereby granted and charged thereon, or ſecurity being given for the ſame, and that all other requiſites have been performed, which are by law required to be performed in caſes where the duties of exciſe are to be repaid by virtue of the before mentioned act, intituled, *An act for the ſettling the exciſe or new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted*; that then the ſaid additional duties ſhall without any delay or reward, be paid or allowed unto ſuch merchant or merchants ſo exporting the ſame within one month after demand thereof, or the ſecurity for the ſaid additional duties by this act charged ſhall be vacated or diſcharged, as to ſo much thereof as ſhall be ſo exported, any thing herein contained to the contrary notwithſtanding.

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IV. And be it further enacted by the authority aforeſaid, That the additional rates and duties hereby granted and impoſed on coffee, tea, chocolate, and cocoa nuts, and all monies ariſing thereby, ſhall be paid to the truſtees, appointed for the management of the hempen and flaxen manufactures of this kingdom, to be by them applied to encourage and ſupport the ſaid manufactures and the trade thereof in this kingdom; and that the ſaid additional duties on raw and untanned hides, and

all money arising thereby shall be paid to the said trustees, to be by them applied towards encouraging the raising of flax-seed in this kingdom; and that the said last mentioned further additional duty of three pence *per* yard upon all cambricks and lawns, and all money arising thereby, shall be paid and applied to the use of the governor and company for carrying on the cambrick manufacture in Dundalk or elsewhere in this kingdom.

V. And be it further enacted by the authority aforesaid, That all and every the several and respective additional duties hereby granted shall be raised, answered, collected, and paid unto your Majesty, your heirs and successors, during the term aforesaid, at the same time, in like manner, and by such ways, means, and methods, and by such rules and directions, and under such penalties and forfeitures, and with such powers, as are appointed, directed, and expressed in and by the said act made in this kingdom in the fourteenth and fifteenth years of the reign of King Charles the second, entitled, *An act for the settling of excise or new impost upon his Majesty, his heirs and successors, according to the book of rates therein inserted*, or by any other law now in force relating to the revenue of excise in this kingdom, as fully and effectually to all intents and purposes as if the same were particularly mentioned, expressed, and enacted again in the body of this present act, with like remedy of appeal to and for the party grieved as in and by the said act of excise, or any other law or laws now in being relating to the duties of excise, is provided.

VI. And be it further enacted by the authority aforesaid, That the six pence *per* pound, and all other fees which shall or may be payable to the vice treasurer or vice treasurers, paymaster or receiver general, of this kingdom upon issuing or payment of any sum or sums of money, which shall or may arise out of the aids granted this session of Parliament, or upon issuing or payment of any sum or sums of money which shall or may be borrowed pursuant to any act of Parliament or vote of credit this session of Parliament, shall be received by the said vice treasurer or vice treasurers, receiver or paymaster general, for the use of your Majesty, your heirs and successors, during the term aforesaid, and shall be duly accounted for by him or them to your Majesty, your heirs and successors, as a further and additional aid hereby given and granted.

VII. And be it further enacted by the authority aforesaid, That the several sums herein after mentioned be paid out of the aforesaid additional duties and aids,

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granted to your Majeſty by this preſent act, to the perſons herein after mentioned, (that is to ſay) the ſum of two thouſand pounds *per annum*, for two years from the twenty fifth day of December one thouſand ſeven hundred and ſixty five to the twenty fifth day of December one thouſand ſeven hundred and ſixty ſeven inclusive, to the truſtees appointed for the management of the hempen and flaxen manufactures of this kingdom for encouraging and raiſing ſufficient quantities of hemp and flax in this kingdom; and alſo the further ſum of two thouſand pounds *per annum* for two years from the twenty fifth day of December one thouſand ſeven hundred and ſixty five to the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty ſeven inclusive, to the ſaid truſtees appointed for the management of the hempen and flaxen manufactures of this kingdom for the encouragement of the ſaid hempen and flaxen manufactures in the provinces of Leinſter, Munſter, and Connaught, freed and diſcharged from the payment of ſix pence *per* pound, and all other fees, which ſhall or may be payable to the vice treaſurer or vice treaſurers, receiver or paymaſter general of this kingdom, clerk of the pells, or any other officer or officers of this kingdom; the ſum of four thouſand pounds to the right honourable the ſpeaker of the houſe of commons to enable him to maintain the ſtate and dignity of his office, the ſum of five hundred pounds to Agmondiſham and George Veſey, eſquires, accomptant-general, as a reward for their expence and trouble in preparing and ſtating the publick accounts of the nation, laid before the houſe of commons this ſeſſion of Parliament; the ſum of five hundred pounds to Edward Sterling and Henry Alcock eſquires, clerks of the houſe of commons, as a reward for their attendance and ſervice this ſeſſion of Parliament; the ſum of two hundred pounds to Anthony Sterling clerk aſſiſtant, as a reward for his attendance and ſervice this ſeſſion of Parliament; the ſum of ſix hundred pounds to James Bailie eſquire, ſerjeant at arms, as a reward for his attendance and ſervice this ſeſſion of Parliament; the ſum of three hundred and fifty pounds to Benjamin Higgins and James Brown, the clerks attending the committee of accounts and the other committees of the houſe of commons, as a reward for their attendance and ſervice this ſeſſion of Parliament, to be equally divided between them; the further ſum of fifty pounds to the ſaid Benjamin Higgins and James Brown for their extraordinary trouble in attending the committee appointed to enquire into the expenditure of money granted for publick works in the laſt ſeſſion of Parliament; the ſum of one hundred and twelve pounds to Abraham Bradley for printing the publick accounts laid before the houſe of commons this ſeſſion of Parliament; the ſum of fifty

fifty pounds to Hulton Bradley, as a reward for his trouble and attendance in delivering the votes to the members of the houſe of commons this ſeſſion of Parliament; the ſum of eighty pounds to James Savage and Thomas Gilmore, door-keepers to the houſe of commons, as a reward for their attendance and ſervice this ſeſſion of Parliament, to be equally divided between them; the ſum of one hundred and fifty pounds to the right honourable the ſpeaker of the houſe of commons to be by him divided among the back door-keepers and meſſengers attending this houſe, being thirteen in number, in ſuch manner as he ſhall direct; the ſum of three hundred pounds to Godfrey Lill eſquire, as a reward for his expence and trouble in preparing and making out the accounts of imports and exports for two years, ending the twenty fifth of March one thouſand ſeven hundred and ſixty five, purſuant to the order of the houſe of commons; the ſum of three hundred and ſeventy five pounds to Mr. William Horton, as a reward for his trouble and expence in keeping regular accounts of the reſpective quantities of corn and flour brought to the city of Dublin by land carriage for ſeven years and a half laſt paſt; the ſum of three thouſand ſeven hundred and fifty two pounds to Thomas Eyre and George Hamilton eſquires, the truſtees appointed for erecting a new pier at Ballbriggen, to reimburſe them the money they have advanced in the execution of the ſaid work, and for finiſhing the ſame according to a plan laid before the houſe of commons, upon their giving ſufficient ſecurity by recognizance before one of the barons of the court of exchequer for their compleating the ſaid work before the twenty fifth day of December one thouſand ſeven hundred and ſixty ſeven; the ſum of four thouſand pounds to the corporation for the promoting and carrying on an inland navigation in Ireland, towards making the river Lagan navigable, and opening a paſſage by water from Lough Neagh to the town of Belfaſt, to be accounted for to Parliament; the ſum of two thouſand four hundred and fourteen pounds and eleven pence to Ralph Howard and William Tighe eſquires, to be by them applied for compleating and finiſhing the harbour of Wicklow, upon their entering into ſecurity by recognizance before one of the barons of the court of exchequer to compleat and finiſh the ſame before the twenty fifth day of December one thouſand ſeven hundred and ſixty ſeven; the ſum of twelve thouſand pounds to the incorporated ſociety for promoting Engliſh proteſtant ſchools in this kingdom, to be by them accounted for to Parliament; the ſum of three thouſand pounds to the commiſſioners for carrying on the inland navigations in this kingdom, to be by them

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applied towards carrying on the navigation of the river Nore, and to be accounted for to Parliament; the ſum of three thouſand pounds to the corporation for carrying on the inland navigations of this kingdom, to be by them applied towards carrying on the navigation of the river Barrow, to be accounted for to Parliament; the ſum of two thouſand five hundred pounds to the commiſſioners appointed by an act of Parliament made in the thirty firſt year of his late Majeſty's reign for executing the ſeveral works therein mentioned in the city of Limerick, or to any ſeven of them, to enable them to continue the new quays in the ſaid city according to the plan laid before the houſe of commons this ſeſſion, and to be by them accounted for to Parliament, upon ſeven or more of the ſaid commiſſioners entering into ſecurity by recognizance before one of the barons of the court of exchequer, or one of the judges of the court of King's bench or common pleas, to compleat and finiſh the ſaid work before the twenty fifth day of December one thouſand ſeven hundred and ſixty ſeven; the ſum of two thouſand four hundred and ninety ſeven pounds three ſhillings and three pence one farthing, and a further ſum of four thouſand two hundred and fifty three pounds three ſhillings and ten pence, making in the whole the ſum of ſix thouſand ſeven hundred and fifty pounds ſeven ſhillings and one penny one farthing, to the governors of the workhouſe, to be by them applied to diſcharge debts contracted by them on account of that charity; the ſum of four thouſand pounds to the corporation of the city of Dublin for the carrying on the ballaſt-office wall in the harbour of Dublin, and for the diſcharging a debt of one thouſand ſix hundred and forty ſix pounds ſixteen ſhillings, contracted by them for carrying on the ſaid work ſince the laſt ſeſſion of Parliament; the ſum of one thouſand pounds to the governors of St. Patrick's hoſpital towards enabling them to receive a greater number of patients; the ſum of two thouſand pounds to the Dublin ſociety to enable them in a more ample manner to promote and encourage agriculture, arts, and manufactures by premiums and bounties; the ſum of eight thouſand pounds to the Dublin ſociety to be by them applied for the encouragement of ſuch trades and manufactures, and in ſuch manner, and ſubject to ſuch regulations, as ſhall be directed by Parliament; the ſum of two thouſand pounds to the governors and guardians of the hoſpital for the relief of poor lying-in women in Dublin to enable them to finiſh their large room now building, and to improve and extend that uſeful charity; the ſum of one thouſand one

hundred and fifty four pounds twelve ſhillings and five pence to the corporation for promoting and carrying on an inland navigation in Ireland, to be by them expended in diſcharging the debts due by the commiſſioners for that part of the navigation from Drumglaſs colliery in the county of Tyrone to Fatham Point near Newry, which was finiſhed laſt ſummer, and which was accounted for to Parliament; the ſum of five thouſand pounds to the corporation for promoting and carrying on an inland navigation in Ireland, to be by them expended towards carrying on an inland navigation from Drumglaſs colliery to the colliery baſon in the county of Tyrone, to be by them accounted for to Parliament; the ſum of three thouſand pounds to William Parks eſquire, mayor, and Roland, and Wilcox ſheriffs of the city of Cork, John Smith, Francis Roland, William Colles eſquire, Mr. James Morriſon, Mr. William Fitton, alderman Bradſhaw, George Percy eſquire, meſſieurs James and Paul Benſon, meſſieurs Joſeph Devonſhire, Thomas Strettle, Chriſtopher Carleton, Hugh Lawton and Francis Carleton, Stephen Dunroche, Peter Cambridge, John Digby and Francis Gray merchants, and James Harnet, or any five of them, towards cleanſing and improving the channel of Cork harbour, from the cuſtom houſe quay to a place called Black Rock, to be accounted for to Parliament, and that the mayor and ſheriffs of the ſaid city for the time being ſhall alſo be truſtees for carrying on the ſaid work; the ſum of three thouſand pounds to the corporation for promoting and carrying on an inland navigation in Ireland towards making the river Shannon navigable from the lands of Rebouge near the city of Limerick to the town of Killaloe, to be by them accounted for to Parliament; the ſum of five hundred pounds to the commiſſioners for carrying on the inland navigations of this kingdom, to be by them applied towards compleating and finiſhing John's bridge in the city of Kilkenny, and for purchaſing the ground to procure proper paſſages to the ſaid bridge of the John's ſtreet ſide, to be accounted for to Parliameut; the ſum of one thouſand ſix hundred pounds to the right honourable Francis Andrews eſquire, towards widening and making an addition to the ſhip quay of Londonderry, to be accounted for to Parliament; the ſum of one thouſand two hundred pounds to John Blackwood eſquire, to erect a pier at Killileagh, in the barony of Dufferin in the county of Down; the ſaid John Blackwood giving ſecurity by recognizance before one of the barons of the exchequer for the execution of the ſaid work, and that no further ſum ſhall be requeſted from Par-

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liament for compleating the ſame; the ſum of one thouſand five hundred pounds to John Lyon eſquire, mayor of the city of Waterford, Samuel Barker, Shapland Carew, William Alcock and Henry Alcock eſquires, William Dobbin, Henry Alcock, Cornelius Bolton, Simon Newport, and George Backas aldermen, and Mr. Hans Wallace, or to any ſeven of them, towards clearing and making deeper by ſix feet the ford in the river of Waterford from the little iſland to the oppoſite ſhore on the Kilkenny ſide, to be by them accounted for to Parliament; the ſum of one thouſand five hundred pounds to Thomas Eyre and George Martin eſquires, to finiſh and compleat the head of the pier of Dunleary, to be accounted for to Parliament; the ſum of ſeven thouſand eight hundred and ninety pounds to the corporation of the city of Dublin, to reimburſe them the ſaid ſum in part expended by them, and for the remainder of which they ſtand engaged for the carrying on the inland navigation from Dublin to Ballyfarnham; the ſum of one thouſand three hundred and fifty nine pounds to the honourable Hungerford Skeffington and Samuel Briſtow eſquire, to be by them applied to make the river, called the Six Mile Water, navigable from the town of Antrim to Lough Neagh, to be accounted for to Parliament, upon their entering into ſecurity by recognizance before one of the barons of the exchequer to compleat and finiſh the ſaid work before the twenty fifth day of December one thouſand ſeven hundred and ſixty ſeven; the ſum of one thouſand pounds to Maurice Fitzgerald eſquire towards making a quay for ſhips in the town of Dingle, he giving ſecurity to compleat the ſame, and to advance out of his own private fortune what ſhall be neceſſary over and above the ſaid ſum to compleat the ſame according to an eſtimate made thereof, amounting to the ſum of two thouſand three hundred pounds, annexed to the petition of the ſovereign, burgeſſes, and freemen of the ſaid town of Dingle, and that the ſaid quay ſhall be compleated without any further aid of Parliament; the ſum of four thouſand pounds to the honourable John Lyſaught and Richard Townſhend eſquires, knights of the ſhire for the county of Cork, and to the repreſentatives in Parliament of the city and ſeveral boroughs in the ſaid county, or any five of them, to be by them applied in aid of the ſaid county, towards rebuilding and repairing the bridges deſtroyed or damaged by the late extraordinary floods in that county, to be accounted for to Parliament; the ſum of two thouſand pounds to Theophilus Jones eſquire, to enable him to open and effectually work the colliery of Munterkenny in the

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county of Leitrim, and to make a waggon way to Lough Allen, and a quay agreeable to an eſtimate laid before the committee of expenditure, he entering into a recognizance before one of the barons of the exchequer to compleat and finiſh the ſame before the twenty fifth day of December one thouſand ſeven hundred and ſixty ſeven; the ſum of ſix hundred pounds to ſir Kildare Dixon Burrowes baronet and Arthur Pomeroy eſquire, knights of the ſhire for the county of Kildare, to be by them, or either of them, applied in aid of the ſaid county to repair and finiſh the two bridges of Harriſtown and Kilcullen over the river Liffy in ſaid county, in ſuch proportion as the neceſſities of each bridge may appear to them, or either of them, to require, to be accountable to Parliament; the ſum of three thouſand pounds to his grace the lord primate, the right honourable lord Beauchamp, the right honourable Nathaniel Clements, lieutenant general O'Brien Dilkes, major general Edward Sandford, colonel John Pomeroy, colonel Robert Cunningham, and colonel James Giſborne, or any three of them, to be applied in building an hoſpital for the reception of the children of ſoldiers, and in finiſhing the ſame, to be accounted for to Parliament; the ſum of two thouſand pounds to the lord high chancellor, and the chief judges of the four courts to be expended in building a marſhalſea for the reception and ſecurity of priſoners, according to the plan and eſtimate for that purpoſe laid before the committee of expenditure; the ſum of one thouſand three hundred pounds to the right honourable Benjamin Burton, Owen Wynne, Charles O'Hara and William Ormſby eſquires, or any two of them, to be by them applied to erect, compleat, and finiſh a pier at the oyſter iſland at the entrance of the harbour of Sligoe, upon their or any two of them entering into a recognizance before one of the barons of the exchequer to compleat and finiſh the ſame before the twenty fifth day of December one thouſand ſeven hundred and ſixty ſeven; the ſum of two thouſand five hundred pounds to Edward Sterling eſquire, in part of a ſum demanded for printing and binding an appendix to the journals of the houſe of commons, and the twelfth and thirteenth volumes of the ſaid journals for the uſe of the members; the ſum of four hundred and ſeventy ſix pounds to the ſovereign, bailiffs, burgeſſes, and free men of Athlone, and to the miniſter and church wardens of the ſaid pariſh, to be by them applied to new roof and effectually repair the pariſh church in the ſaid town to be by them accounted for to Parliament.

VIII. And be it further enacted by the authority aforeſaid, That no gold or ſilver lace whatſoever, (except of the manufacture of Great Britain) ſhall from and after the twenty fifth day of December one thouſand ſeven hundred and ſixty five be

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imported into this kingdom in any ſhip or veſſel whatſoever under the penalty of the forfeiture of all ſuch lace, and treble the value thereof, and the ſhip or veſſel in which the ſame ſhall be imported, with all her guns, tackle, furniture, ammunition, and apparel; one moiety of which forfeitures ſhall be and remain to your Majeſty, your heirs and ſucceſſors, and the other moiety to him or them who ſhall ſeize and ſue for the ſame by action, bill, plaint, or information in the court of Exchequer; wherein no wager of law, protection, eſſoign, or other dilatory plea ſhall be allowed.

CHAP. II.

An Act for granting to His Majeſty the ſeveral Duties, Rates, and Impoſitions, therein expreſſed, to be applied to pay an Intereſt at the Rate of Four Pounds per Centum per Annum *for the Sums therein provided for, and towards the Diſcharge of the ſaid principal Sums.*

WHEREAS by an act of Parliament made and paſſed in the third year of your Majeſty's reign, intitled, *An act for granting to his Majeſty the ſeveral duties, rates, and impoſitions therein expreſſed, to be applied to pay an intereſt at the rate of four pounds* per centum per annum *for part of the ſums therein provided for, and an intereſt at the rate of five pounds* per centum per annum *for the reſidue of the Sums therein alſo provided for, and towards the diſcharge of the ſaid principal ſums,* ſeveral aids and additional duties were granted to your Majeſty, your heirs and ſucceſſors, from the twenty fifth day of December one thouſand ſeven hundred and ſixty three until the twenty fifth day of December one thouſand ſeven hundred and ſixty five inclusive to pay an intereſt for the ſum of three hundred and fifty thouſand pounds, part of the ſum of five hundred and fifty thouſand pounds, in the ſaid act particularly recited, after the rate of four pounds *per centum per annum*, and to pay an intereſt for the ſum of two hundred thouſand pounds, part alſo of the ſaid ſum of five hundred and fifty thouſand pounds, after the rate of five pounds *per centum per annum* from the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty three, and to pay an intereſt for the ſum of one hundred thouſand pounds, part of a ſum of ſix hundred and fifty thouſand pounds, in the ſaid recited act alſo particularly mentioned, which ſaid ſum of one hundred

3 G. 3. c. 2. recited.

Aids thereby granted to 25 Dec. 1765 to pay 4 *per cent.* for £350000. and 5 for £200000. and £100000.

thouſand pounds was paid into your Majeſty's treaſury on the twenty fifth day of March one thouſand ſeven hundred and ſixty three at the rate of five pounds *per centum per annum*, to commence from the twenty fifth day of March one thouſand ſeven hundred and ſixty four, without any fee or charge, and free from all deductions, defalcations, and abatements whatſoever, from and after the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty three, and twenty fifth day of March one thouſand ſeven hundred and ſixty four reſpectively, until ſuch time as the ſaid ſeveral principal ſums, herein before mentioned, ſhould be paid to the ſeveral and reſpective perſons, who had lent the ſame, at one intire payment; and whereas the ſeveral aids and duties, granted to your Majeſty in and by the ſaid recited act, have not proved ſufficient to pay and diſcharge the ſaid ſeveral principal ſums of three hundred and fifty thouſand pounds, two hundred thouſand pounds, and one hundred thouſand pounds, and the intereſt of the ſame reſpectively, according to the ſeveral rates of intereſt herein before mentioned; but the greateſt part of the ſaid ſeveral principal ſums will remain unpaid on the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty five: and whereas there now remains due on the ſaid ſeveral principal ſums the ſum of ſix hundred thouſand pounds, carrying the different rates of intereſt herein before expreſſed, and it has been judged expedient to reduce the intereſt on ſuch parts thereof, as now carry an intereſt at the rate of five pounds *per centum per annum*, and to conſolidate the whole principal ſums now due, or which ſhall remain due on the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty five, into one aggregate ſum to carry an intereſt after the rate of four pounds *per centum per annum* from the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty five, until paid in manner herein after expreſſed: We therefore your Majeſty's moſt dutiful and loyal ſubjects, the commons of Ireland in Parliament aſſembled, do moſt humbly beſeech your Majeſty, that it may be enacted, and be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, that for the ſaid aggregate ſum of ſix hundred thouſand pounds, or ſuch part thereof as ſhall remain unpaid on the twenty fifth day of December one thouſand ſeven hundred and ſixty five, there ſhall be paid at the receipt of his Majeſty's exchequer by the hands of the vice treaſurer or paymaſter general, vice treaſurers, or paymaſters general, his or their deputy or deputies, at the end of every ſix calendar months

600000l. at ſaid different rates of intereſt,

to conſolidate the whole.

4 per cent. to be paid half yearly for ſaid aggregate ſum of 600000l. from 25 Dec. 1765.

from the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty five to the perſon or perſons, who has or have paid or lent the ſaid ſum of ſix hundred thouſand pounds, his, her, or their executors, adminiſtrators, or aſſigns, an intereſt at the rate of four pounds *per centum per annum*, to commence from the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty five without any fee or charge, and free from all deductions, defalcations, and abatements whatſoever, until ſuch time as they ſhall be reſpectively paid their principal money at one intire payment.

New debentures at 4 per cent. iſſued in lieu of the former at 5.

II. And be it further enacted by the authority aforeſaid, That each and every perſon intitled to any part of the ſaid ſum of ſix hundred thouſand pounds, which now carries an intereſt at the rate of five pounds *per centum per annum*, ſhall deliver or cauſe to be delivered to the vice treaſurer or vice treaſurers, his or their deputy or deputies, all and every ſuch receipt and receipts, debenture and debentures, whereby ſuch perſon or perſons reſpectively is or are intitled to any part or parts of the ſaid ſum of ſix hundred thouſand pounds, now carrying an intereſt at the rate of five pounds *per centum per annum* as aforeſaid; which ſaid debenture and debentures, receipt and receipts, the ſaid vice treaſurer or vice treaſurers, his or their deputy or deputies, is and are hereby impowered and required to receive and cancel, and to make out and deliver new debentures or receipts to ſuch perſon or perſons reſpectively, their executors, adminiſtrators, and aſſigns, who ſhall deliver or cauſe to be delivered ſuch former debentures or receipts for the ſums contained in ſuch former debentures or receipts, with intereſt for the ſame according to the rate of four pounds *per centum per annum*; and that the ſaid debentures or receipts to be delivered out in lieu of thoſe which are to be cancelled as aforeſaid, together with the debenture or debentures, receipt or receipts, which ſhall or may be iſſued for ſuch ſum or ſums of money not exceeding one hundred thouſand pounds, as ſhall or may be advanced and lent for the purpoſes herein after mentioned purſuant to this act, ſhall as to ſuch of the ſaid debentures or receipts, as ſhall be iſſued for one hundred pounds each, be numbered in arithmetical progreſſion, where the common exceſs or difference is to be one, beginning with the number next after the laſt number of the receipts or debentures for one hundred pounds each now ſtanding out at the rate of four pounds *per centum per annum*; and as to ſuch debentures or receipts, as ſhall be iſſued for fifty pounds each, the ſame ſhall be numbered in like arithmetical progreſſion, beginning with the number next after the laſt number of the

which, with debentures for a loan of 1000000l. purſuant to this act, ſhall be numbered.

debentures

debentures or receipts for fifty pounds each now ſtanding out at the rate of four pounds *per centum per annum*, until the whole ſhall be numbered in manner as aforeſaid.

Creditors at 5 per cent. not willing to continue at 4, paid off upon aſſignment of their debentures.

III. And be it further enacted by the authority aforeſaid, That if any perſon or perſons, who ſhall be intitled to any part or parts of the ſaid ſum of ſix hundred thouſand pounds now carrying an intereſt at the rate of five pounds *per centum per annum*, which ſhall remain unpaid on the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty five, ſhall not be willing to continue their ſaid principal ſums at the intereſt of four pounds *per centum per annum* as aforeſaid, then and in that caſe the perſon or perſons, his, her, or their executors, adminiſtrators, or aſſigns, who ſhall not be willing to continue their ſaid principal ſums at the rate of four pounds *per centum per annum*, ſhall upon application to the vice treaſurer or vice treaſurers, his or their deputy or deputies, at any time before the firſt day of February one thouſand ſeven hundred and ſixty ſix, and upon the aſſignment of his, her, or their unſatisfied debentures or receipts to the vice treaſurer or vice treaſurers, his or their deputy or deputies, be paid the principal ſum or ſums due to them reſpectively on the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty five, and all intereſt due thereon at the time of ſuch payment; and the ſaid vice treaſurer or vice treaſurers, his or their deputy or deputies, ſhall and may aſſign ſuch receipts or debentures to ſuch perſon or perſons, who ſhall advance the principal money and the intereſt due on account thereof at the time of ſuch aſſignment; which receipt or debenture ſo to be aſſigned by the ſaid vice treaſurer or vice treaſurers, his or their deputy or deputies, ſhall intitle the aſſignee thereof to the principal money due thereon, and to all intereſt due for the ſame from the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty five, according to the rate of four pounds *per centum per annum*.

aſſignees thereof intitled to principal and intereſt at 4, from 25 Dec. 1765.

Further loan of 1000000l. at 4 per cent. for deficiencies in duties, and for publick works this ſeſſion.

IV. And whereas it may be neceſſary, that a further ſum or ſums of money ſhould be borrowed to ſupply ſuch deficiencies, as may ariſe in the aids granted this ſeſſion of Parliament for the ſupport of your Majeſty's government, and for payment of the ſeveral ſums granted this ſeſſion for carrying on publick works in this kingdom: be it further enacted by the authority aforeſaid, That for all and every ſuch further ſum and ſums of money, not exceeding in the whole the ſum of one hundred thouſand pounds, as ſhall be actually paid by any perſon or perſons into your Majeſty's treaſury at the inſtance of his excellency the lord lieutenant, or other chief governor or governors

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of this kingdom for the time being, to ſupply ſuch deficiencies as ſhall or may ariſe in the aids granted this ſeſſion of Parliament for the ſupport of your Majeſty's government, and for payment of the ſeveral ſums granted in this ſeſſion for carrying on publick works in this kingdom, there ſhall be paid at the receipt of your Majeſty's exchequer by the hands of the vice treaſurer or paymaſter general, vice treaſurers or paymaſters general, his or their deputy or deputies, at the end of every ſix calendar months, to be computed from the reſpective times of ſuch payments, to the perſon or perſons ſo paying or lending the ſame, his, her, or their executors, adminiſtrators, or aſſigns, an intereſt according to the rate of four pounds *per centum per annum*, without any fee or charge, and free from all deductions, defalcations, and abatements whatſoever, until ſuch time as they ſhall be reſpectively paid their principal money at one entire payment.

For which like debentures iſſued and numbered.

V. And be it further enacted by the authority aforeſaid, That like debentures or receipts, bearing an intereſt at the rate of four pounds *per centum per annum*, ſhall be given by the officers of your Majeſty's treaſury for all and every ſum and ſums of money to be paid into the receipt of your Majeſty's exchequer on account of the ſaid intended loan, not exceeding the ſum of one hundred thouſand pounds, which ſhall be numbered in ſuch arithmetical progreſſion as aforeſaid.

Debentures transferable by indorſement,

VI. And be it further enacted by the authority aforeſaid, That all and every perſon or perſons, to whom debentures or receipts have been given for any part of the ſaid ſum of ſix hundred thouſand pounds now carrying an intereſt at the rate of four pounds *per centum per annum*, and all and every perſon or perſons, to whom debentures or receipts ſhall be given purſuant to this act, his, her, or their executors, adminiſtrators, or aſſigns, may by endorſements on ſuch debentures or receipts transfer the right and benefit of the ſum due on ſuch debentures or receipts; which indorſements upon notice to the vice treaſurer or vice treaſurers, his or their deputy or deputies, and an entry or memorial thereof made in the ſaid vice treaſurers office (which the ſaid vice treaſurer or vice treaſurers, his or their deputy or deputies, ſhall upon requeſt without charge, fee, or reward make accordingly, and ſhall on requeſt permit the ſame to be viewed at the uſual office hours without fee or reward) ſhall intitle the indorſee or aſſignee, his or her executors, adminiſtrators, and aſſigns, to the ſole benefit of the ſum ſo transferred or aſſigned; and that the ſaid debenture or receipt may in like manner be aſſigned or transferred by ſuch aſſignee, his or her executors, adminiſtrators, or aſſigns, and ſo

on notice and memorial thereof made and viewed at uſual office hours without fee, aſſignee intitled,

toties quoties; and that after ſuch aſſignment it ſhall not be in the power of the perſon or perſons, who made ſuch aſſigment, to make void, releaſe, or diſcharge the ſaid aſſignment, or to diſcharge or receive the ſum thereby transferred or aſſigned, or any part thereof.

ſo toties quoties.

and not afterwards in power of aſſignor.

VII. And to the end and intent that the intereſt of the ſaid ſum of ſix hundred thouſand pounds, or ſo much thereof as ſhall remain unpaid on the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty five, and alſo the intereſt of the ſaid ſum, not exceeding the ſum of one hundred thouſand pounds, or ſo much thereof as ſhall be raiſed in purſuance of this act, may be duly and regularly paid half yearly according to the rate of intereſt herein before mentioned, and according to the true intent and meaning of this act, be it further enacted by the authority aforeſaid, That from and after the twenty fifth day of December, which ſhall be in this preſent year one thouſand ſeven hundred and ſixty five, there ſhall be throughout your Majeſty's kingdom of Ireland, raiſed, levied, granted, collected, and paid to your Majeſty, your heirs and ſucceſſors, until the twenty fifth day of December one thouſand ſeven hundred and ſixty ſeven inclufive, and no longer, over and above the ſeveral rates and duties payable by virtue of an act paſſed in the fourteenth and fifteenth years of the reign of his Majeſty King Charles the ſecond, intituled, *An act for ſettling of the exciſe or new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted*, or by virtue of one other act paſſed in the ſaid fourteenth and fifteenth years of the reign of the ſaid King Charles the ſecond, intituled, *An act for ſettling the ſubſidy of poundage, and granting a ſubſidy of tunnage and other ſums of money unto his royal Majeſty, his heirs and ſucceſſors, the ſame to be paid upon merchandizes imported and exported into or out of the kingdom of Ireland, according to a book of rates hereunto annexed*, and over and above the ſeveral additional duties granted to your Majeſty this preſent ſeſſion of Parliament, by an act, intituled, *An act for granting to his Majeſty an additional duty on beer, ale, ſtrong waters, wine, tobacco, hides, and other goods and merchandizes therein mentioned; and for prohibiting the importation of all gold and ſilver lace except of the manufacture of Great Britain*, the ſeveral further new additional rates and duties herein after mentioned; (that is to ſay) an additional duty of ſix pounds *per* ton for and upon all ſorts of wine of the growth of France or Spain, and three pounds *per* ton for and upon all ſorts of wine of the growth of Portugal, and of five pounds *per* ton for and upon all other wines, that ſhall be imported into this kingdom, from and after the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty five; and alſo an additional

For payment of intereſt of ſaid 600,000l. and 100,000l. half yearly at 4 per cent. further new additional duties granted till 25 Dec. 1767, above the duties by 14 & 15 *C.* 2. 8 & 9, and by 5 *G.* 3. 1.

wines of France or Spain 6l. per ton; of Portugal 3l. other wines 3l.

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onal duty of four pounds ſterling *per* pound weight, for and upon all velvets and manufactures made of or mixed with ſilk, (except thoſe of Great Britain, China, Perſia, and the Eaſt Indies) that ſhall be imported into this kingdom from and after the twenty fifth day of December one thouſand ſeven hundred and ſixty five; an additional duty of one halfpenny *per* pound weight for and upon all hops, that ſhall be imported into this kingdom from and after the twenty fifth day of December one thouſand ſeven hundred and ſixty five; an additional duty of five pounds *per centum* for and upon all China, earthen, japanned, or laquered ware, as valued or rated for cuſtom by the book of rates, that ſhall be imported into this kingdom from and after the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty five; an additional duty of thirty ſhillings *per* ton for and upon all ſorts of vinegar, that ſhall be imported into this kingdom from and after the ſaid twenty fifth of December one thouſand ſeven hundred and ſixty five; a further additional duty of two pence *per* gallon for and upon every gallon of *aquavitæ*, ſtrong waters, and ſpirits, that ſhall be made or diſtilled within this kingdom for ſale, to be paid by the firſt maker or diſtiller thereof, from and after the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty five; a further additional duty of two pence *per* pound for and upon all coffee, that ſhall be imported into this kindgom from and after the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty five; a duty of ten ſhillings *per annum* to be paid by every perſon that doth or ſhall ſell or tap out by retail any cyder at any time between the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty five, and the twenty fifth day of December one thouſand ſeven hundred and ſixty ſeven inclusive; a duty of one penny *per* gallon for and upon all cyder, that ſhall be ſold or tapped out by retail, to be paid by the perſon who ſhall ſell or tap out the ſame by retail, from and after the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty five; an additional duty of twenty ſhillings to be paid by every perſon for every coach, chariot, berlin, calaſh, or chaiſe with four wheels, which ſuch perſon ſhall keep in his or her poſſeſſion (except hackney or ſtage coaches, and coaches kept by coach makers for ſale) at any time between the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty five, and the twenty fifth day of December one thouſand ſeven hundred and ſixty ſix inclusive; an additional duty of twenty ſhillings to be paid by every perſon for every coach, chariot, berlin, calaſh, or chaiſe with four wheels, which ſuch perſon ſhall keep in his or her poſſeſſion (except

4l. per lb. on velvets and ſilks, ſave from Britain or the Eaſt, ½d. per lb. on hops.

5l. per cent. as rated for cuſtom, on China, earthen, japanned, or laqueered ware,

30s. per ton on vinegar imported,

2d. per gallon aquavitæ, ſtrong waters, and ſpirits diſtilled here for ſale, paid by the firſt maker,

2d. per lb. coffee,

10s. yearly retailers of cyder,

1d. per gallon cyder retailed,

20s. four-wheeled carriages (ſave hackney or ſtages, and by coachmakers) between 25 Dec. 1765 and 1766; and 20l. to 25 Dec. 1767.

(except as aforeſaid) at any time between the ſaid twenty fifth of December one thouſand ſeven hundred and ſixty ſix, and the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty ſeven incluſive; an additional duty of five ſhillings *per* ton for and upon every ton of ſoap-boylers waſte, and ſo in proportion for a greater or leſſer quantity, that ſhall be exported out of this kingdom to parts beyond the ſeas, from and after the twenty fifth day of December one thouſand ſeven hundred and ſixty five; an additional duty of three pounds *per* ton for and upon every ton of linen rags, and ſo in proportion for a greater or leſſer quantity, that ſhall be exported out of this kingdom to parts beyond the ſeas, from and after the twenty fifth day of December one thouſand ſeven hundred and ſixty five.

5*s.* per ton ſoap-waſte exported,

3*l.* per ton linen rags.

VIII. And be it further enacted by the authority aforeſaid, That if the ſaid wines, and other merchandizes herein before mentioned, upon which the ſaid additional duties are hereby charged upon the importation thereof, ſhall be again exported by any merchant or merchants, who is or are a ſubject or ſubjects of this realm, or any other your Majeſty's dominions, within twenty four kalendar months, or by merchant ſtrangers within twelve kalendar months after the importation thereof, and if due proof ſhall be firſt made by certificate from the proper officers of the due entry and payment of the ſaid additional duties hereby granted; and if all other requiſites ſhall be performed, which are by law required to be performed in thoſe caſes, where the duties of exciſe are to be repaid, that then the ſaid additional duties hereby impoſed, ſhall without any delay or reward, be repaid or allowed unto ſuch merchant or merchants ſo exporting the ſame within one month after demand thereof, or the ſecurity for the ſaid additional duties by this act charged, ſhall be vacated as to ſo much as ſhall be ſo exported, any thing herein to the contrary notwithſtanding.

Drawback on export by ſubjects in 24, ſtrangers in 12 months after import on certificate of entry, payment, and other requiſites on repayment of exciſe.

IX. And be it further enacted by the authority aforeſaid, That from and after the twenty fifth day of December one thouſand ſeven hundred and ſixty five, no perſon or perſons whatſoever, ſhall ſell, or tap out by retail, any cyder within this kingdom, but only ſuch as ſhall be licenſed according to the directions of this act, under ſuch penalty as herein after is expreſſed.

Cyder not retailed without licence.

X. And be it further enacted by the authority aforeſaid, That from after the twenty fifth day of December one thouſand ſeven hundred and ſixty five, it ſhall and may be lawful to and for the chief commiſſioners of his Majeſty's exciſe, or any three of them, and the collectors of his Majeſty's exciſe, in their ſeveral and reſpective diſtricts, from time to time, to

3 commiſſioners of exciſe and collectors may grant licences to retail cyder,

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issue and grant such licences for the selling and tapping out cyder by retail; and that for every such licence so to be granted the sum of one shilling and one penny, and no more, shall be paid or demanded as a fee for the same; and if any person or persons shall from and after the twenty fifth day of December one thousand seven hundred and sixty five, sell or tap out cyder by retail, without such licence as aforesaid, every such person so offending, shall, for every time he or she shall so offend, forfeit and pay the sum of five pounds.

fee 1s. 1d. retailing without licence penalty 5l.

Gaugers and excise-officers may by day enter houses, &c. of cyder-retailers, take account, and charge said duty of 1d. per gallon.

XI. And be it further enacted by the authority aforesaid, That for the better ordering and collecting the said duty of one penny *per* gallon for and upon all cyder, that shall be sold or tapped out by retail, it shall and may be lawful to and for the gauger or gaugers, and officers of excise, within their respective districts, from time to time, from and after the said twenty fifth day of December one thousand seven hundred and sixty five, to enter in the day time into the houses, out-houses, store-houses, and cellars of every retailer or retailers of cyder, and to take an account of all such cyder as shall be found in possession of such retailer or retailers, and to charge such retailer or retailers with the said duty of one penny *per* gallon accordingly.

Cyder-retailers to shew their stock on demand,

on refusal, or false return, penalty 10l.

XII. And be it further enacted by the authority aforesaid, That from and after the said twenty fifth day of December one thousand seven hundred and sixty five, every retailer of cyder shall shew to the gauger or officers of excise on demand, all his or her stock of cyder then on hand; and in case any such retailer or retailers of cyder, or his, her, or their servant or servants in case such retailer or retailers shall not be present when the gauger or officers of excise shall come to such retailers house to take stock as aforesaid, shall refuse to make declaration, and shew all his or her stock of cyder then on hand, every such retailer shall, for every such offence, forfeit and lose the sum of ten pounds: and if such gauger or officers of excise shall, after declaration made as aforesaid, find any cyder in the possession or custody of such retailer or retailers, over and above the quantity so shewn and declared, such retailer shall likewise forfeit and lose the sum of ten pounds.

Persons keeping coaches, &c. (save hackney, stages or by makers for sale) to certify in three months after to collector of the district account thereof, and their abode.

XIII. And be it further enacted by the authority aforesaid, That for the better collecting the said duty chargeable on every person, who shall keep any carriages with four wheels (except as before excepted) every person, who from and after the said twenty fifth day of December one thousand seven hundred and sixty five, shall have or keep any coach, chariot, berlin, calash, or chaise with four wheels, shall within three

calendar months after the ſaid twenty fifth day of December, or within three calendar months after he or ſhe ſhall have or keep any ſuch coach, chariot, berlin, calaſh, or chaiſe with four wheels, by writing under his or her hand certify to the collector of the diſtrict, where he or ſhe ſhall reſide or dwell, a true account of every ſuch coach, chariot, berlin, calaſh, and chaiſe with four wheels, which he or ſhe ſhall have or keep (except hackney or ſtage coaches, and coaches kept by coach-makers for ſale) with the name of the place and pariſh of his or her uſual reſidence or abode; which ſaid certificate ſhall be kept by the reſpective collectors of the ſeveral diſtricts in this kingdom, now or hereafter to be appointed by the commiſſioners of his Majeſty's revenue in this kingdom, or any three or more of them; and ſhall be alſo entred in a book to be by them reſpectively kept for that purpoſe; and a number ſhall be entred on each certificate regiſtered; and that the ſaid collectors reſpectively ſhall under their hands on or before the twenty fifth day of December in every year give a true liſt of all coaches, chariots, berlins, calaſhes, and chaiſes with four wheels, from time to time returned to them reſpectively in ſuch certificates, with the names of the perſons and places of their abode reſpectively mentioned in ſuch reſpective certificates, to the perſon who for the time being ſhall be appointed by the commiſſioners of his Majeſty's revenue of exciſe, or any three of them, to collect and receive the ſaid duties; and that ſuch perſons as ſhall be appointed by the ſaid commiſſioners of exciſe, or any three of them, to collect the ſaid duties on coaches, chariots, berlins, calaſhes, and chaiſes with four wheels, ſhall have full power and authority to collect and receive the ſame, and ſhall reſpectively ſign and deliver acquittances without fee or reward for the ſame, and ſhall keep duplicates thereof in a book to be kept for that purpoſe, in the ſame manner as acquittances are given and kept for the duty of firehearths, and ſhall reſpectively return the book containing the duplicates of ſuch acquittances, to ſuch perſon and perſons, and at the ſame times, and to be diſpoſed of in the ſame manner, as books containing the duplicates of acquittances for the ſaid duty on firehearths are returned.

certificates kept, entered, and numbered by collectors,

liſts returned by 25 Dec. yearly to collectors of ſaid duties,

who ſhall give acquittances without fee, keep duplicates, and make returns, as for hearth-money.

XIV. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall have or keep any coach, chariot, berlin, calaſh, or chaiſe with four wheels, chargeable with the ſaid duty by virtue of this act, which ſhall not be certified in manner as aforeſaid, then and in ſuch caſe every ſuch perſon and perſons ſo having or keeping ſuch coach, chariot, berlin, calaſh, or chaiſe with four wheels, not certified as aforeſaid, ſhall for ſuch neglect forfeit the ſum of five pounds.

Not certifying coaches, &c. penalty 5l.

Having another's coach, charged as owner.

XV. Provided nevertheleſs, That every perſon (except as before excepted) having in his or her keeping or poſſeſſion any coach, chariot, berlin, calaſh, or chaiſe with four wheels belonging to another, ſhall be charged for every ſuch coach, chariot, berlin, calaſh, or chaiſe with four wheels, with the ſaid duty impoſed by this act, in the ſame manner as the owner or proprietor thereof is or ought to be charged or chargeable for the ſame by this act.

Collectors of the duties to pay to collectors of the diſtricts,

XVI. And be it further enacted by the authority aforeſaid, That the perſon or perſons, who for the time being ſhall be authorized and impowered to collect and levy the ſaid duty on coaches, chariots, berlins, calaſhes, and chaiſes with four wheels, ſhall pay the ſame to the ſaid collectors of the ſeveral diſtricts, where the ſaid duties ſhall be collected and raiſed; and that the ſaid collectors ſhall keep ſeparate and diſtinct accounts thereof, and pay the ſame into your Majeſty's treaſury, as other money received by them for the uſe of your Majeſty.

diſtinct accounts kept, and paid into the treaſury.

All ſaid additional duties collected and paid as by 14 & 15 *C.* 2. 8. or other exciſe law, with like appeal.

XVII. And be it further enacted by the authority aforeſaid, That all and every the ſeveral and reſpective additional and other duties and rates hereby granted ſhall be raiſed, anſwered, collected, and paid unto your Majeſty, your heirs and ſucceſſors, during the term aforeſaid at the ſame time, and in like manner, and by ſuch ways, means, and methods, and by ſuch rules and directions, and under ſuch penalties and forfeitures, and with ſuch powers, as are appointed, directed, and expreſſed in and by the ſaid act made in this kingdom in the fourteenth and fifteenth years of the reign of King Charles the ſecond, intituled, *An act for the ſettling of the exciſe or new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted*, or by any other law now in force relative to the revenue of exciſe in this kingdom, as fully and effectually to all intents and purpoſes as if the ſame were particularly mentioned, ſpecified, and enacted again in the body of this preſent act, with like remedy of appeal to and for the party grieved as in and by the ſaid act of exciſe, or any other law or laws now in being relating to the duties of exciſe, is provided.

No fees thereon.

XVIII. And be it further enacted by the authority aforeſaid, That neither the ſix pence *per* pound nor any other fee ſhall be payable to, or be deducted or received by, the vice treaſurer or vice treaſurers, receiver or paymaſter general, clerk of the pells, or any other officer or officers of this kingdom, for or on account of the iſſuing or payment of any ſum or ſums of money ariſing by, or which ſhall be received for or on account of,

the aids hereby granted to your Majeſty, or of any payment to be made in purſuance of this act.

XIX. And be it further enacted by the authority aforeſaid, That the ſeveral duties and aids, hereby granted unto your Majeſty ſhall in the firſt place be applied and paid by the vice treaſurer or vice treaſurers, his or their deputy or deputies, to the diſcharge of the intereſt of the ſaid ſum of ſix hundred thouſand pounds, or ſuch part thereof as ſhall remain unpaid on the ſaid twenty fifth day of December in the year of our Lord one thouſand ſeven hundred and ſixty five, and alſo to the diſcharge of the intereſt of ſuch ſum or ſums not exceeding the ſaid ſum of one hundred thouſand pounds, as ſhall be borrowed in purſuance of this act, in the manner, and at the reſpective times, and according to the rate of intereſt, herein before mentioned and appointed for that purpoſe; and that all the ſurplus or exceeding of the ſaid aids and duties hereby granted to your Majeſty, over and above what ſhall be ſufficient to diſcharge the intereſt of the ſaid ſum of ſix hundred thouſand pounds, or ſo much thereof as ſhall remain due on the twenty fifth day of December one thouſand ſeven hundred and ſixty five, and over and above what ſhall be ſufficient to pay the intereſt, of what ſhall be borrowed in purſuance of this act, ſhall in the firſt place be applied towards the diſcharge of the ſaid aggregate ſum of ſix hundred thouſand pounds, or ſo much thereof as ſhall remain unpaid on the twenty fifth day of December one thouſand ſeven hundred and ſixty five, and alſo towards the payment of ſuch ſum or ſums of money not exceeding in the whole the ſum of one hundred thouſand pounds, as ſhall be actually paid into your Majeſty's treaſury at the inſtance of his excellency the lord lieutenant, or other chief governor or governors of this kingdom for the time being, to ſupply ſuch deficiencies as may ariſe in the aids granted this ſeſſion of Parliament for the ſupport of your Majeſty's civil and military eſtabliſhments and other neceſſary expences of government, and for the payment of the ſeveral ſums granted in this ſeſſion of Parliament for carrying on public works in this kingdom.

First to pay intereſt of 600,000l.

then of 100,000l.

the ſurplus to diſcharge of ſaid ſums,

XX. And be it further enacted by the authority aforeſaid, That from and after the payment of the intereſt of the ſaid ſeveral and reſpective ſums before mentioned, and when and as often as any ſurplus or exceeding of the aids and duties hereby granted ſhall be received by the vice treaſurer or vice treaſurers, his or their deputy or deputies, and that ſuch ſurplus or exceeding ſhall amount to the ſum of five thouſand pounds, that then the vice treaſurer or vice treaſurers, his or their

When the ſurplus 5000l. a drawing of debentures for ſaid 600,000l. as uſual.

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deputy or deputies, ſhall cauſe the numbers of ſuch receipts or debentures amounting to the ſaid aggregate ſum of ſix hundred thouſand pounds, or ſo much thereof as ſhall remain unpaid on the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty five, which purſuant to this preſent act is to bear an intereſt at the rate of four pounds *per centum per annum*, and the ſums therein contained, to be written on ſeveral tickets or pieces of parchment, and to be rolled, and ſewed up, and put into a box or urn, and well mixed together, and an indifferent perſon ſhall publickly between the hours of ten and twelve in the forenoon of a day to be by the ſaid vice treaſurer or vice treaſurers, his or their deputy or deputies, publickly advertized in the Dublin Gazette for that purpoſe at leaſt twenty days before, at the office of the vice treaſurer or vice treaſurers in the caſtle of Dublin draw out of ſuch box or urn as many of the ſaid tickets or pieces of parchment, as the ſums therein contained ſhall amount to the ſaid ſum of five thouſand pounds; and the perſon or perſons, the numbers of whoſe debentures or receipts ſhall be ſo drawn, his or their executors, adminiſtrators, or aſſigns, ſhall, within twenty days after the ſaid tickets or pieces of parchment ſhall be drawn, be paid by the vice treaſurer or vice treaſurers, his or their deputy or deputies, the principal ſums to him, her, or them reſpectively due, with intereſt for the ſame at the rate of four pounds *per centum per annum* till paid, and ſhall upon payment thereof deliver his, her, and their ſeveral and reſpective debentures or receipts to the ſaid vice treaſurer or vice treaſurers, his or their deputy or deputies, to be cancelled; which he or they are hereby required to cancel accordingly; and the intereſt payable by virtue of ſuch debentures or receipts ſhall ceaſe from the expiration of twenty days, to be accounted from the day of drawing the ſaid tickets or pieces of parchment.

Any part of ſaid 600,000l. unpaid 25 Dec. 1767, paid with ſaid intereſt without any deduction.

XXI. And be it further enacted by the authority aforeſaid, That if any part of the ſaid aggregate ſum of ſix hundred thouſand pounds hereby provided for ſhall be due and unpaid on the ſaid twenty fifth day of December, which ſhall be in the year of our Lord one thouſand ſeven hundred and ſixty ſeven, the ſame ſhall be well and truly ſatisfied and paid unto the ſeveral and reſpective perſons, their executors, adminiſtrators, and aſſigns reſpectively, to whom the ſame ſhall be then due, together with ſuch intereſt for the ſame as ſhall be then due, at the rate aforeſaid without any deduction, defalcation, or abatement whatſoever.

XXII. And

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XXII. And be it further enacted by the authority aforeſaid, That from and after the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty five, a ſeparate and diſtinct account ſhall be kept by the proper officer of the aids, duties, and taxes, granted by this act, or any other act of Parliament now in force in this kingdom, and appropriated to particular uſes; and that the commiſſioners of his Majeſty's revenue ſhall return their weekly abſtracts from the ſeveral collectors to the accomptant general; and that the accomptant general ſhall return a ſeparate account of the ſeveral duties and taxes ſo appropriated to the vice treaſurer or vice treaſurers, his or their deputy or deputies; and that every collector or receiver of the ſaid duties and taxes do take a ſeparate receipt for the ſame, when paid into his Majeſty's treaſury; which ſaid receipt the vice treaſurer or vice treaſurers, his or their deputy or deputies, is and are hereby required to give accordingly.

ſeparate accounts kept of duties by this or any other act, and appropriated.

Collectors weekly abſtracts returned by commiſſioners to accomptant general,

ſeparate account returned to the vice treaſurers,

ſeparate receipt given to collectors.

CHAP. III.

An Act to prevent the diſtilling of Spirits from Wheat, Oats, Bear, Barley, Rye, Meſlin, Malt, Beans, and Peas, and from any Potatoes, Meal, or Flour of Wheat, Oats, Bear, Barley, Rye, Meſlin, Malt, Beans, or Peas for a limited time.

Expired 1ſt October 1766.

WHEREAS it is to be feared, that there is not in this kingdom at the preſent proviſion of corn of all ſorts more than ſufficient for the food of the inhabitants thereof, and for making the neceſſary quantities of beer and ale: and whereas great quantities of corn are daily conſumed by the diſtillers, which, unleſs timely prevented, may occaſion great ſcarcity throughout this kingdom: For remedy whereof be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of January in the year of our Lord one thouſand ſeven hundred and ſixty ſix no aquavitæ, low wines, or ſpirits whatſoever ſhall be made, extracted, or diſtilled within this kingdom from any wheat, oats, bear, barley, rye, meſlin, malt, beans, or peas, or from any potatoes, meal, or flour of wheat, oats, bear, barley, rye, meſlin, malt, beans, or peas until the firſt day of October one thouſand ſeven hundred and ſixty ſix.

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II. And be it enacted by the authority aforeſaid, That if during the time herein limitted any diſtiller or maker of aquavitæ, low wines, or ſpirits, or any other perſon or perſons whatſoever, ſhall brew, make, extract, or diſtil, or cauſe or procure to be brewed, made, extracted, or diſtilled any aquavitæ, low wines, or ſpirits from any wheat, oats, bear, barley, rye, meſlin, malt, beans, or peas, or from any potatoes, meal, or flour of wheat, oats, bear, barley, rye, meſlin, malt, beans, or peas, or ſhall uſe or mix, or cauſe or procure to be uſed or mixed, any wheat, oats, bear, barley, rye, meſlin, malt, beans, or peas, or any potatoes, meal, or flour of wheat, oats, bear, barley, rye, meſlin, malt, beans, or peas in any worts or waſh in order for the making, extracting, or diſtilling aquavitæ, low wines, or ſpirits, or ſhall put or lay, or cauſe or procure to be put or laid, in any tun, waſhing batch, caſk, copper, kieve, ſtill, or other veſſel or utenſil, any wheat, oats, bear, barley, rye, meſlin, malt, beans, or peas, or any potatoes, meal, or flour of wheat, oats, bear, barley, rye, meſlin, malt, beans, or peas, for the purpoſe of preparing any worts or waſh, or for making, extracting, or diſtilling aquavitæ, low wines, or ſpirits, whether ſuch tun, waſh, batch, kieve, caſk, copper, ſtill, or other veſſel or utenſil hath or hath not been duly entered at the exciſe-office, that then and in each and every of the ſaid caſes ſuch diſtiller or maker of aquavitæ, low wines, or ſpirits, or other perſon or perſons acting contrary to the directions of this act, or the perſon or perſons in whoſe cuſtody or poſſeſſion any ſuch tun, waſh, batch, kieve, caſk, copper, ſtill, or other veſſel or utenſil, which ſhall be made uſe of contrary to the intention of this act, ſhall be found, ſhall reſpectively for every ſuch offence forfeit and pay the ſum of two hundred pounds; and all ſuch wheat, oats, bear, barley, rye, meſlin, malt, beans, and peas, and ſuch potatoes, meal, and flour, and all ſuch worts and waſh, aquavitæ, low wines, and ſpirits, ſhall be alſo forfeited.

III. And be it further enacted by the authority aforeſaid, That during the time limitted it ſhall be lawful for any perſon or perſons, who ſhall be authorized for that purpoſe by the chief commiſſioners of his Majeſty's revenue in Ireland for the time being, or any two or more of them, within the limits of the city of Dublin, or by one or more juſtice or juſtices of the peace or magiſtrate in any city or town corporate in this kingdom, at any time or times, or any officer of exciſe within his diſtrict, to enter into any workhouſe, ſtillhouſe, ſtorehouſe, warehouſe, or any other place wherein any aquavitæ, low wines, or ſpirits, or worts, or waſh, ſhall be and are ſuſpected to be made, brewed, extracted, diſtilled, or prepared, or wherein any aquavitæ, low wines, or ſpirits, or worts, or waſh, ſhall have been made, brewed, extracted, diſtilled, or prepared after the

firſt

firſt day of January one thouſand ſeven hundred and ſixty ſix, and ſhall have free admittance into the ſame; and in caſe any ſuch perſon or perſons authorized as aforeſaid ſhall have reaſon to ſuſpect, that any wheat, oats, bear, barley, rye, meſlin, malt, beans, or peas, or potatoes, meal, or flour of wheat, oats, bear, barley, rye, meſlin, malt, beans or peas is mixed in any worts or waſh, or in any other material or preparation for making, brewing, extracting, or diſtilling aquavitæ, low wines, or ſpirits, it ſhall be lawful for ſuch perſon or perſons at any time or times during the ſaid term upon payment of two ſhillings and ſix pence to take a ſample, not exceeding two quarts, of any ſuch worts or waſh, material, or preparation, which ſhall be found in any ſuch houſe or other place as aforeſaid; and in caſe any diſtiller, brewer, or maker of aquavitæ, low wines, or ſpirit, or the owner or occupier of any ſuch houſe or place, or any workman or ſervant to ſuch diſtiller, brewer, owner or occupier belonging, ſhall refuſe to admit ſuch perſon or perſons, as ſhall be ſo authorized, into any ſuch houſe or place, or ſhall obſtruct or hinder any ſuch officer or perſon or perſons in making ſuch inſpection as aforeſaid, or ſhall not allow any ſuch perſon or perſons to take ſuch ſample, after the ſaid ſum of two ſhillings and ſixpence ſhall be paid or tendered for the ſame, ſuch diſtiller, brewer, owner, or occupier, ſhall for every ſuch offence reſpectively forfeit and pay the ſum of one hundred pounds; and it ſhall be lawful for any ſuch perſon or perſons authorized as aforeſaid to ſeize, take, and carry away all ſuch corn, meal, flour, and potatoes, as ſhall be found in any ſuch houſe or other place, together with all the ſacks, bags, veſſels, and other things, in which the ſaid commodities ſhall be contained.

IV. And be it further enacted by the authority aforeſaid, That all penalties and forfeitures by this act impoſed ſhall be ſued for and recovered by action of debt, bill, plaint, or information in any of his Majeſty's courts of record at Dublin, and that one moiety of the penalties and forfeitures, when recovered, ſhall be to the uſe of the proteſtant ſchools in Ireland, and the other moiety to him or them who ſhall ſue for the ſame.

V. Provided always, That all ſuits, proſecutions, or informations for offences, committed againſt this act, ſhall be commenced and made within the ſpace of three kalendar months, after the fact is committed, and not otherwiſe, any thing herein contained to the contrary notwithſtanding.

VI. And be it enacted by the authority aforeſaid, That if any ſuch action or ſuit ſhall be commenced againſt any perſon or perſons for any thing done in purſuance

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ſuance of this act, ſuch action or ſuit ſhall be commenced within the ſpace of four kalendar months, next after the offence ſhall be committed; and the defendant or defendants in any ſuch action or ſuit may plead the general iſſue, and give this and the ſpecial matter in evidence on any tryal to be had thereupon, and that the ſame was done in purſuance and by the authority of this act; and if it ſhall appear ſo to have been done, the jury ſhall find for the defendant or defendants, and if the plaintiff ſhall be non-ſuited or diſcontinue his action, after the defendant or defendants ſhall have appeared, or if judgment ſhall be given upon any verdict or demurrer againſt the plaintiff, the defendant or defendants ſhall and may recover treble coſts, and have the like remedy for the ſame, as any defendant or defendants hath or have in other caſes by law.

VII. Provided always, and be it enacted by the authority aforeſaid, that this act ſhall continue in force until the firſt day of October one thouſand ſeven hundred and ſixty ſix.

VIII. Provided nevertheleſs, That it ſhall and may be lawful for the chief governor or governors of this kingdom for the time being and the privy council at any time by their proclamation to ſuſpend the execution of this act, or any part thereof, as they ſhall think fit, and to permit the diſtillery to be carried on as heretofore, any thing herein contained to the contrary notwithſtanding.

CHAP. IV.

An Act to prevent the Exportation of Corn under certain Reſtrictions for a limitted Time.

Expired 1ſt October 1766.

WHEREAS there is great reaſon to apprehend, that there is not at this time more than a ſufficient quantity of corn of all kinds to anſwer the conſumption of this kingdom until the next harveſt: and whereas there are many commiſſions already come into the kingdom for the exportation of grain and meal to Spain and other countries, by which means, unleſs timely prevented, a great ſcarcity may enſue: for remedy whereof be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent parliament aſſembled, and by the authority of the ſame, that no wheat, oats, bear, barley, malt, rye, meſlin, peas, or potatoes, or meal, or flour of wheat,

oats, bere, barley, malt, rye, or meſlin, ſhall be exported from this kingdom from the paſſing of this act until after the firſt day of October one thouſand ſeven hundred and ſixty ſix; and that all ſuch grain, meal, flour, malt, or potatoes, which ſhall be put on board any ſhip or boat in order to be exported from this kingdom, ſhall be forfeited; one moiety thereof to go to the perſon who ſhall give information thereof before the chief magiſtrate of any town corporate, or before any of his Majeſty's juſtices of the peace of the diſtrict from whence the ſame ſhall be exported, or attempted to be exported, (which information it is hereby directed, ſhall be upon oath, and ſuch chief magiſtrate or juſtice of the peace is hereby impowered and required to receive ſuch information, and adminiſter ſuch oath, and to determine thereon) the other moiety to the poor of the city, town, or county from whence the ſame ſhall be attempted to be exported.

II. And be it further enacted by the authority aforeſaid, That every merchant, farmer, or other perſon, who ſhall put, or cauſe to be put on board for exportation either upon his own account, or upon commiſſion any quantity of the ſeveral articles before mentioned, ſhall forfeit for every hundred weight thereof, ſo put on board, the ſum of twenty ſhillings; to be recovered by bill, plaint, or information in any of his Majeſty's courts of record in the King's courts Dublin, in which no eſſoign, protection, or wager of law, or more than one imparlance ſhall be allowed; one moiety thereof to go to his Majeſty, and the other to the informer.

III. Provided always, That it ſhall and may be lawful for his Majeſty, his heirs and ſucceſſors, by his or their order in the privy council of Great Britain, or for the chief governor or governors and privy council of this kingdom for the time being, by their proclamation to permit the exportation of any of the kinds of corn, grain, meal, or flour, herein mentioned, any thing herein contained to the contrary notwithſtanding.

IV. Provided alſo, That nothing in this act ſhall extend to prohibit the putting on board any ſhip or veſſel, ready to ſail from this kingdom, or export in ſuch quantity of the aforeſaid flour or meal, as the collectors or other principal officers of the reſpective ports of this kingdom ſhall think neceſſary for the proviſion and conſumption of the maſter, mariners, and paſſengers on board any ſuch veſſel, as ſhall carry out the ſame.

A. D. 1765.

CHAP. V.

An Act for aſcertaining the Duty of Exciſe payable upon the Importation of Brandy, Rum, and Geneva.

14 & 15 C. 2. 8. recited, whereby 4d. per gallon was laid on ſpirits of wine or cyder imported, 12d. on ſtrong waters perfectly made.

WHEREAS by an act made in the fourteenth and fifteenth years of the reign of King Charles the ſecond, intitled, *An act for the ſettling of the exciſe or new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted*, there was laid upon every gallon of ſpirits made of wine or cyder imported the rate and duty of four pence; and upon every gallon of ſtrong waters perfectly made, imported from beyond ſeas, the rate and duty of twelve pence: and whereas ſome doubts have been made and raiſed concerning certain liquors imported into this kingdom, called brandy, rum, and geneva, whether the ſame ſhould pay the rate and duty laid by the ſaid act upon ſpirits made of wine or cyder imported, or the rate and duty laid thereby upon ſtrong waters perfectly made imported from beyond ſeas: and whereas ever ſince the commencement of the ſaid act, brandy upon the importation thereof into this kingdom has been rated for the duty of exciſe as of the value of ſix ſhillings and eight pence the gallon, and rum and geneva ever ſince the firſt importation thereof into this kingdom have been rated for the duty of exciſe as of the ſame value with brandy, whereby the duties of exciſe received upon the importation of the ſaid commodities by virtue of and under the ſaid act have been four pence the gallon, and no more: and whereas it is apprehended, that an increaſe of duty of eight pence the gallon upon the ſaid commodities over and above the duty, heretofore paid upon the importation thereof, would be a great temptation to ſmugglers to run large quantities of the ſaid commodities into this kingdom, and would in many other reſpects be prejudicial to the trade thereof: therefore in order to remove all ſuch doubts for the future, be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, that all brandy, rum, and geneva, which at any time heretofore hath been, or at any time hereafter ſhall be, imported into this kingdom, ſhall be deemed and conſidered at all times heretofore to have been, and at all times hereafter to be, ſubject and liable to a duty of exciſe of four pence the gallon, and no more, under and by virtue of the ſaid act.

Brandy, rum, and geneva imported liable under ſaid act to exciſe of 4d. per gallon only.

CHAP.

A. D. 1765.

CHAP. VI.

An Act for Licenſing Hawkers and Pedlars; and for Encouragement of Engliſh Proteſtant Schools.

WHEREAS the continuing the encouragement formerly given to Engliſh proteſtant ſchools will be of great benefit to this kingdom; and it is reaſonable, that ſome publick fund ſhould be applied and ſet apart for that purpoſe: be it therefore enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the twenty fourth day of June one thouſand ſeven hundred and ſixty ſix until the twenty fourth day of June one thouſand ſeven hundred and ſixty eight there ſhall be anſwered and paid unto your Majeſty, your heirs and ſucceſſors, by every hawker, pedlar, petty chapman, or other trading perſon or perſons, going from town to town, or to other men's houſes, and travelling either on foot, or with horſe, horſes, or otherwiſe, in this kingdom, (except as herein after mentioned) carrying to ſell or expoſing to ſale any goods, wares, and merchandizes, a duty of twenty ſhillings by the year; and that every perſon ſo travelling with a horſe, aſs, or mule, or any other beaſt bearing or drawing burthen, ſhall pay the ſum of twenty ſhillings by the year from the twenty fourth day of June one thouſand ſeven hundred and ſixty ſix to the twenty fourth day of June one thouſand ſeven hundred and ſixty eight for each horſe, aſs, or mule, or other beaſt bearing or drawing burthen, he or ſhe ſhall ſo travel with, over and above the ſaid firſt mentioned duty of twenty ſhillings by the year; which ſaid rates and duties ſhall be collected by ſuch perſon and perſons, and in ſuch manner, and by ſuch ways and means, as the duty payable for licenſes to keep ale houſes is raiſed and collected by virtue of an act made in this kingdom in the thirty third year of the reign of his late Majeſty King George the ſecond, intituled, *An act for better regulating the collection of his Majeſty's revenue, and for preventing of frauds therein, and for repealing an act made in the laſt ſeſſion of Parliament*, intituled, *An act for continuing and amending ſeveral laws heretofore made relating to his Majeſty's revenue, and for the more effectual preventing of frauds in his Majeſty's cuſtoms and exciſe, and the ſeveral acts and ſtatutes which are mentioned in the ſaid act, and continued thereby*, as fully to all intents and purpoſes as if the proviſions in the ſaid act for that purpoſe were particularly mentioned, and expreſſed, and enacted again in the body of this preſent act.

Expired. 24 June, 1768.

33 G. 2. c. 10. ſ. 93.

A. D. 1765. Chap. 6.

II. And be it further enacted by the authority aforeſaid, That every pedlar, hawker, petty chapman, and other trading perſon or perſons ſo travelling as aforeſaid, ſhall before the twenty fourth day of June one thouſand ſeven hundred and ſixty ſix, and ſo likewiſe in every year, deliver or cauſe to be delivered to the collector of exciſe for the diſtrict, where he or ſhe ſhall reſide or dwell, a note in writing under his or her hand, or under the hand of ſome perſon by her or him authorized in that behalf, how and in what manner he or ſhe intends to travel and trade, whether on foot or with one or more horſe or horſes, aſs or aſſes, mule or mules, or any other beaſt or beaſts bearing or drawing burthen, for his or her ſo travelling and trading; for which he or ſhe ſhall thereupon pay or cauſe to be paid unto ſuch collector the yearly duty herein before directed to be payable for the ſame, and thereupon a licenſe ſhall be granted unto him or her ſo to travel or trade by ſuch collector.

III. And be it further enacted by the authority aforeſaid, That if any ſuch hawker, pedlar, or petty chapman, from and after the ſaid twenty fourth day of June one thouſand ſeven hundred and ſixty ſix, be found trading as aforeſaid without or contrary to ſuch licence, ſuch perſon ſhall for each and every ſuch offence forfeit the ſum of five pounds; one moiety thereof to the informer, and the other moiety to the Incorporated Society in Dublin for promoting Engliſh proteſtant ſchools: and that if any perſon ſo trading, upon demand made by any juſtice of the peace, mayor, conſtable or other officer of the peace of any county, city, town-corporate, or borough where he or ſhe ſhall ſo trade, ſhall refuſe to produce and ſhew immediately unto ſuch juſtice of peace, mayor, conſtable, or other officer of the peace ſo demanding the ſame, his or her licence for ſo trading, to be granted as aforeſaid, that then the perſon ſo refuſing ſhall forfeit twenty ſhillings, to be paid to the informer, and for nonpayment thereof ſhall ſuffer as a common vagrant, and be committed to the houſe of correction.

IV. And be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid collectors of the ſeveral diſtricts in this kingdom reſpectively, and they are hereby reſpectively directed, appointed, and required, upon the terms aforeſaid, and upon the receipt as aforeſaid, to grant a licence under their reſpective hands to every hawker, pedlar, petty chapman, or any other trading perſon, for him or herſelf, with one or more horſes, aſſes, mules, or beaſts, which he, ſhe, or they ſhall travel with, as the caſe ſhall require; for which licence there

ſhall be taken by ſuch collectors for their own uſe, one ſhilling, and no more, except ſuch hawker, pedlar, or petty chapman, ſhall travel with horſe, aſs, or mule, or any other beaſt bearing or drawing burthen, and in that caſe there ſhall be paid to ſuch collectors for their own uſe for ſuch licence two ſhillings, and no more, over and above the duties aforeſaid; and that the ſaid collectors ſhall keep ſeparate and diſtinct accounts of the duties hereby granted, and pay the money ariſing thereby into your Majeſty's treaſury, as other money received by them for the uſe of your Majeſty.

V. And be it further enacted by the authority aforeſaid, That the ſaid collectors ſhall be accountable to your Majeſty for the duties hereby granted, and ſhall be ſubject to the like penalties and forfeitures for not rendering a true account thereof and paying the ſame in manner afore-mentioned, as they are and ſtand liable unto for not rendering a true account of any money received by them for the uſe of your Majeſty.

VI. And be it further enacted by the authority aforeſaid, That the monies ariſing from the ſaid duties hereby granted ſhall from time to time be brought into the receipt of your Majeſty's Exchequer, and ſhall from time to time without any fee or deduction whatſoever be paid by the vice-treaſurer or receiver-general of this kingdom to the Incorporated Society in Dublin for promoting Engliſh proteſtant ſchools, or to their treaſurer for the time being, for the uſe of the ſaid Incorporated Society.

VII. And be it further enacted by the authority aforeſaid, That if any perſon or perſons whatſoever ſhall forge or counterfeit, or cauſe to be forged or counterfeited, any licence or licences for the purpoſe aforeſaid, or travel with ſuch forged or counterfeited licence or licences, knowing the ſame to be forged or counterfeited, ſuch perſon ſhall forfeit the ſum of fifty pounds, one moiety thereof to the King, and the other moiety to him who ſhall proſecute or ſue for the ſame, to be recovered by action of debt, bill, plaint, or information in any of his Majeſty's courts of record at the four courts in Dublin, in which no eſſoign, protection, or wager of law, or more than one imparlance, ſhall be allowed, and ſhall be ſubject to ſuch other pains and penalties, as may be inflicted on perſons for forgery.

A. D. 1765. Chap. 6.

VIII. And be it enacted by the authority aforeſaid, That if any perſon or perſons ſhall be ſued, moleſted, or troubled for putting in execution any of the powers contained in this act, or for doing any matter or thing purſuant thereto, ſuch perſon or perſons ſhall and may plead the general iſſue not guilty, and give the ſpecial matter in evidence; and if the plaintiff or plaintiffs ſhall be nonſuited, or judgment be given againſt him or them upon demurrer or otherwiſe, or a verdict paſs for the defendant or defendants, or a diſmiſs upon a civil bill, ſuch defendant or defendants ſhall have his, her, or their treble coſts, to be recovered by ſuch manner as where by law coſts are given to defendants.

IX. And be it further enacted by the authority aforeſaid, That if any conſtable ſhall refuſe or neglect upon due notice or on his own view to be aiding and aſſiſting in the execution of this act, being thereunto required, every ſuch conſtable, being thereof convicted by the oath of one or more credible witneſs or witneſſes before any juſtice of the peace for the county or place, where ſuch offence ſhall be committed, ſhall forfeit for each and every ſuch offence contrary to this act the ſum of forty ſhillings, to be levied by diſtreſs and ſale of the offenders goods by warrant under the hand and ſeal of ſuch juſtice of the peace; one moiety whereof to be paid to the ſaid Incorporated Society, the other moiety to the informer who ſhall proſecute for the ſame, rendering the overplus thereof to the owner, if any be.

X. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for any perſon or perſons whatſoever to ſeize and detain any ſuch hawker, pedlar, petty chapman, or other trading perſon or perſons as aforeſaid, and alſo the goods they ſhall be found trading with, until ſuch time as he, ſhe, or they ſhall produce a licence in that behalf, if he, ſhe, or they have any: and if he, ſhe, or they ſhall be found trading without licence contrary to this act, that then it ſhall and may be lawful to and for ſuch perſon or perſons, ſo ſeizing as aforeſaid, taking to his or their aſſiſtance ſuch perſon or perſons as he or they ſhall think fit, to carry the perſon ſo ſeized, as alſo the ſaid goods, before ſome one of his Majeſty's juſtices of the peace for the county or place, or before the collector of his Majeſty's revenue for the diſtrict where ſuch offence or offences ſhall be committed, which ſaid juſtice of the peace and collector reſpectively are hereby ſtrictly required either upon the confeſſion of the party offending, or due proof of a witneſs upon oath, which they are hereby reſpectively impowered

powered to adminiſter, that the perſon ſo brought before him had ſo traded as aforeſaid, unleſs ſuch licence ſhall be produced by ſuch offender before the ſaid juſtice or collector, by warrant under his hand and ſeal to cauſe the ſum of five pounds to be forthwith levied by diſtreſs and ſale of the offender or offenders goods, wares, or merchandizes, rendering the overplus, (if any be) to the owner or owners thereof, after deducting the reaſonable charge for taking the ſaid diſtreſs, and out of the ſaid ſale to pay the penalty and forfeiture aforeſaid.

XI. Provided always, and be it enacted by the authority aforeſaid, That this act, or any thing herein contained, ſhall not extend to prohibit any perſon from ſelling of any acts of Parliament, forms of prayer, proclamations, gazettes, almanacks, or other printed papers, or any fiſh, fruit, or victuals, nor to hinder any perſon or perſons who are the real workers or makers of any goods or wares, within this kingdom, or his or their wife or wives, apprentice or apprentices from carrying abroad, expoſing to ſale, and ſelling any of the ſaid goods and wares of his, her, or their making in any publick fairs, markets, or elſe where, nor any tinker, cooper, glazier, plumber, harneſs-mender, or other perſons uſually trading in mending kettles, tubs, houſehold goods, or harneſs whatſoever, from going about or carrying with him or them proper materials for mending the ſame.

XII. Provided alſo, and be it enacted by the authority aforeſaid, That this act, or any thing herein contained, ſhall not extend to ſubject any perſon or perſons who ſhall carry raw and unmanufactured wool, or frizes, or ſtockings made of woollen yarn, from one part of the kingdom to the other, or expoſe the ſame to ſale in any fair, market, or other place in this kingdom, to any of the duties or penalties herein before mentioned; ſo as ſuch perſon or perſons ſhall not at the ſame time carry or expoſe to ſale any other wares, goods, or merchandizes, except the ſaid raw and unmanufactured wool, and the ſaid frizes and ſtockings made of woollen yarn.

XIII. Provided alſo, and be it enacted by the authority aforeſaid, That this act, or any thing herein contained, ſhall not extend to prohibit or reſtrain any perſon or perſons from ſelling or expoſing to ſale in any place or places whatſoever any flax, tow, hemp, flaxen yarn, hempen yarn, ticken, plain, ſtriped, chequered, painted, or ſtained linens, buckrams, or canvas; ſo as ſuch perſon or perſons ſhall not at the ſame time carry or expoſe to ſale any other goods, wares, or merchandizes, except ſuch flax, tow, hemp, flaxen yarn, hempen yarn, ticken, plain, ſtriped, chequered, painted, or ſtained linens, buckrams, or canvas as aforeſaid.

A. D. 1765. Chap. 6.

XIV. Provided alſo, and be it enacted by the authority aforeſaid, That this act, or any thing therein contained, ſhall not extend, to ſubject any perſon or perſons who ſhall carry any pots or griddles made of caſt iron metal from one part of the kingdom to another, or expoſe the ſame to ſale in any fair, market, or other place in this kingdom, to the payment of any greater duty than the ſum of twenty ſhillings by the year in the whole, although ſuch perſon or perſons ſhall or may trade or travel with one or more horſe or horſes, or other beaſt or beaſts drawing or bearing burthen, ſo as ſuch perſon or perſons ſhall not at the ſame time carry or expoſe to ſale any other goods, wares, or merchandizes, except the ſaid pots and griddles made of caſt iron metal.

XV. Provided alſo, and be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the commiſſioners of his Majeſty's revenue, or any three or more of them for the time being, to order and direct to be paid out of the monies raiſed by this act, to the ſaid collectors, their clerks, or any other perſons, ſuch ſums of money as they or any of them ſhall or may reaſonably deſerve for their ſervice, or ſhall or may have expended, in the execution of, or in relation to this act.

XVI. Provided alſo, and be it further enacted by the authority aforeſaid, That this act, or any thing herein contained, ſhall not extend, or be conſtrued to give any power for licenſing any hawker, pedlar, or petty chapman, to ſell or expoſe to ſale, any wares or merchandizes in any city, borough, town corporate, or market town within this realm, any otherwiſe than he or ſhe might have done before the making of this act; any thing herein contained to the contrary in any wiſe notwithſtanding.

XVII. And for the further encouragement of Engliſh Proteſtant Schools: be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for every archbiſhop, biſhop, and to and for every dean, archdeacon, dignitary, prebendary, rector, vicar, and eccleſiaſtical perſon whatſoever, with the conſent of the archbiſhop or biſhop of their reſpective dioceſe, ſignified under the hand and ſeal of ſuch archbiſhop and biſhop reſpectively, and to and for every perſon being ſeized of an eſtate for life in poſſeſſion of any land with immediate remainder over to his iſſue in tail, by deed or deeds indented to demiſe for any term or number of years or lives with covenant of perpetual renewal any quantity of land to them reſpectively belonging, not exceeding thirty acres plantation meaſure, to the ſaid Incorporated Society and their ſucceſſors, reſerving a rent, not leſs than the improved yearly value of the ſame at the time of making ſuch demiſe, payable to thoſe who are or ſhall be intitled to the freehold and inheritance thereof; and that all grants ſo to

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be made, ſhall be good and effectual againſt the ſucceſſors of every ſuch archbiſhop, biſhop, dean, archdeacon, dignitary, prebendary rector, vicar, and other eccleſiaſtical perſon reſpectively, and againſt all perſons claiming or to claim any eſtate, right, title, or intereſt, in ſuch land by virtue of or under any limitation, remainder, or reverſion expectant upon ſuch eſtate for life.

XVIII. Provided always, That in caſe the ſaid lands and premiſes, ſo demiſed as aforeſaid, ſhall not be applied and made uſe of for the benefit and ſupport of the charter ſchools or nurſeries, or ſome of them, that are or ſhall be erected and eſtabliſhed by ſaid ſociety, ſuch demiſe ſhall be abſolutely null and void to all intents and purpoſes whatſoever.

CHAP. VII.

An Act for explaining and amending an Act, intituled, *An Act for the Encouragement of the Fiſheries of this Kingdom.*

WHEREAS by an act paſſed in the third year of the reign of his preſent Majeſty King George the third, intitled, *An act for the encouragement of the fiſheries of this kingdom*, it is amongſt other things enacted, that every buſs or veſſel, that ſhall be employed in the ſaid fiſheries, or whoſe owners ſhall be intitled to the bounty of twenty ſhillings *per* ton, given by the ſaid act, ſhall be a decked buſs or veſſel: and whereas in many parts of this kingdom, where harbours and ports are contiguous to the fiſhing ground, it may be more convenient to ſalt and cure on ſhore all ſuch fiſh, as ſhall be taken, and the veſſels therefore employed in catching and taking ſaid fiſh are in many places found to be more ſafe and commodious for the fiſhermen on board by being partly decked and partly open; be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the owners of all buſſes or veſſels, which have been built ſince the commencement of the ſaid act, or that ſhall be built after the commencement of this preſent act, which are in every other reſpect duly qualified according to the directions and the intent and meaning of the ſaid act, although they ſhall be partly decked and partly open, ſhall be entitled to the bounty given by the ſaid act, on compliance with the ſeveral other requiſites in the ſaid act mentioned, or ſuch of them as are not diſpenſed with by this preſent act.

Repealed by 25 G. 3. 35. *ſec.* 1. 7 G. 3. 20. *ſec.* 10. 3 G. 3. 24. *ſec.* 1 & 7.

A. D. 1765. Chap. 7.

II. And whereas a doubt has ariſen upon the words of the ſaid act, whether among other requiſites to entitle the owner or owners of ſuch buſs or veſſel to the bounty given by the ſaid act, it may not be neceſſary for the owner or owners, maſter, or chief officer of ſuch buſs or veſſel to produce the journal of their proceedings at ſea, and to atteſt the ſame, and for the maſter of ſuch buſs or veſſel alſo to make ſuch oath before the collector of the cuſtoms, as is directed by the ſaid act to be made at the end of each voyage, every time that and as often as the ſaid veſſel comes into port in order to land any of the fiſh taken by her off the ſaid port, by which great delay and interruption would be given to the fiſhing buſineſs, and eſpecially to ſuch perſons as are employed therein for the purpoſe of ſupplying the markets of Dublin with fiſh during the times of the fiſhing ſeaſon: for remedy whereof and for explaining the ſaid act be it declared and enacted by the authority aforeſaid, That the producing and atteſting the ſaid journal, and the maſter or chief officer of ſuch buſs or veſſel making ſuch oath before the collector of the port, and the officer of the cuſtoms certifying ſuch matters, as are directed by the ſaid act, at the end of the fiſhing ſeaſon, ſhall be ſufficient within the intent and meaning of the ſaid act for all the purpoſes therein mentioned; and if any perſon or perſons ſhall wilfully ſwear falſely in any oath or oaths directed by this act to be taken, or ſhall corruptly procure any perſon or perſons to ſwear falſely in any of the ſaid oaths, every perſon being convicted of ſuch offence ſhall incur all ſuch pains, penalties and forfeitures, as perſons, who commit, or corruptly procure or ſeduce any witneſs to commit, wilful or corrupt perjury, are now ſubject to by any law or ſtatute now in force in this kingdom.

III. And whereas the penalty of five pounds inflicted by the ſaid act upon any perſon, who ſhall ſhoot any net or nets for the taking of herrings in the day time, and alſo the like penalty of five pounds inflicted by the ſaid act for any boats, which ſhall go out to look for fiſh from ſunſet on Saturday night until after ſunſet on Sunday night, have not been found ſufficient to deter perſons from the ſame: be it enacted by the authority aforeſaid, That every perſon, who ſhall be guilty of any of the offences aforeſaid, ſhall inſtead of the ſaid penalties be ſubject for every ſuch offence to the penalty of ten pounds; and that ſuch penalty ſhall and may be recovered by any perſon who will ſue for the ſame within three months next after the offence committed by civil bill before the juſtice or juſtices of aſſize at the aſſizes for the county, where ſuch offender uſually lives or reſides, or at the quarter ſeſſions to be

be held for the county of Dublin, if ſuch offender uſually reſides there; ſuch penalty, when recovered, to be to the uſe of the perſon ſo ſuing for the ſame.

IV. And whereas a doubt has ariſen upon the words of the ſaid act, whether the bounty, payable on the exportation of the ſeveral kinds of fiſh therein mentioned, be payable upon the exportation of any fiſh, ſave only ſuch as are taken on board ſuch buſs or veſſels, as are particularly deſcribed in the ſaid act: for removing which ſaid doubt be it declared and enacted by the authority aforeſaid, That the ſeveral bounties given by the ſaid act upon the exportation of fiſh, ſhall be payable to the owner or owners of the fiſh upon the exportation of the ſeveral kinds thereof in the ſaid act mentioned, the ſame being prepared for ſuch exportation in the manner in the ſaid act directed: provided the ſaid fiſh ſhall have been taken on the coaſts of this kingdom, or within thirty five leagues thereof, in any veſſel whatever.

V. And be it enacted by the authority aforeſaid, That the penalty of twenty pounds inflicted by the ſaid act upon ſuch perſon or perſons as ſhall be guilty of ſhooting at whales from boats or ſmall veſſels, not belonging to ſome ſhip actually employed in the whale fiſhery, ſhall and may be recovered by any perſon for his own uſe, who ſhall ſue for the ſame by civil bill, in the ſame manner as the penalties herein before mentioned are appointed by this act to be recovered.

VI. And whereas ſeveral doubts have ariſen concerning the true conſtruction and meaning of the clauſe in the ſaid act for preventing frauds, that may be attempted by claiming any of the bounties, given by the ſaid act for fiſh carried to foreign markets, which have not been caught on the coaſts of this kingdom within the diſtance in the ſaid act deſcribed: for the explaining and amending of the ſaid act be it declared and enacted by the authority aforeſaid, That no owner or owners of any fiſh ſhall be intitled to the bounties given upon the exportation thereof, except as herein after is mentioned; unleſs ſuch fiſh ſhall be firſt landed in, and afterwards exported from, ſome port in this kingdom, and unleſs ſuch fiſh, for which ſuch bounty ſhall be claimed, ſhall be proved by ſufficient affidavit made before the collector, or other principal officer of the ſaid port (which oath or oaths ſuch collector or officer is hereby impowered and required to adminiſter) to have been caught on the coaſts of this kingdom within the diſtance in the ſaid act deſcribed; and the ſaid collector or principal officer ſhall then certify under his hand, that the ſaid fiſh was firſt landed in, and then exported from, the ſaid port of this kingdom; and in

the ſaid certificate ſhall alſo ſpecify the quantity and quality of the fiſh ſo exported: which affidavit being ſo made, and certificate given as aforeſaid, the owner of ſuch fiſh ſhall on his performing all the other directions of the ſaid act be intitled to and paid the ſeveral bounties reſpectively given by the ſaid act upon the exportation of the ſaid fiſh.

VII. And whereas it may frequently happen, that ſeveral of the large buſſes or veſſels employed in the ſaid fiſheries, having ſalted and cured a ſufficient quantity of fiſh for their cargoes at ſea, may find it expedient to proceed directly with ſuch their cargoes to ſome foreign markets without touching at any port in this kingdom: be it enacted by the authority aforeſaid, That then and in that caſe upon an affidavit being made by ſuch foreign merchant, to whom the veſſel ſhall be conſigned, before the chief magiſtrate of the port where he reſides, or a Britiſh conſul in caſe any ſuch there be, ſpecifying particularly the quantity and ſpecies of fiſh landed at ſuch foreign port or market, and alſo upon a further affidavit of the maſter, or other chief officer of ſuch veſſel on her return to Ireland being made before the collector or other principal officer of the port, where ſhe ſhall arrive (who are hereby impowered and required to adminiſter the ſame) ſetting forth that all the ſaid fiſh ſo landed at the ſaid foreign port or market was taken upon the coaſts of this kingdom within the diſtance deſcribed in the ſaid recited act, and ſetting forth that he was preſent, and did ſee the foreign merchant, mentioning his name and place of abode, ſign and ſwear the ſaid affidavit before the chief magiſtrate of ſuch foreign port or Britiſh conſul reſiding there, and upon delivering to the collector of the port in Ireland, where ſuch veſſel ſhall arrive, the ſaid two affidavits the owner or owners of the fiſh ſhall be intitled to and be paid the ſeveral bounties, which are reſpectively given by the ſaid act upon the exportation of the ſeveral kinds of fiſh, therein particularly mentioned.

VIII. And for the better and more effectual encouragement of the fiſheries of this kingdom be it enacted by the authority aforeſaid, That all the ſeveral bounties by the ſaid act given and allowed on conforming to all the ſeveral regulations in the ſaid act mentioned, which are not altered and diſpenſed with by this preſent act, and alſo to ſuch regulations as are made neceſſary by this act, ſhall be paid for and during the ſpace of fourteen years from the firſt day of April one thouſand ſeven hundred and ſixty ſix, and from thence to the end of the then next ſeſſion of Parliament, and no longer.

IX. Provided always, That the ſaid act, and every clauſe and article therein contained, and not herein and hereby altered or repealed ſhall continue in full force. A. D. 1765.

3 G. 3. 24.

X. And provided always, That nothing in the ſaid act or in this preſent act ſhall extend to, or be conſtrued to extend to, exclude any of his Majeſty's ſubjects from fiſhing or carrying on the white herring and other fiſheries in ſuch manner as they might have done, in caſe this act had never been made, the caſes before mentioned where penalties are inflicted only excepted.

CHAP. VIII.

An Act to prevent for the future tumultuous Riſings of Perſons within this Kingdom, and for other purpoſes therein mentioned.

WHEREAS it has frequently happened of late in different parts of this kingdom, that ſeveral perſons as well by night as in the day time have in a riotous, diſorderly, and tumultuous manner aſſembled themſelves, and being ſo aſſembled and met together have abuſed and injured many perſons by aſſaulting, wounding, or otherwiſe maltreating their perſons, or by deſtroying or injuring their property, to the great detriment and diſturbance of ſeveral of his Majeſty's loyal and faithful ſubjects, and have forceably impoſed ſundry oaths contrary to law, and which, if not timely prevented, may become dangerous to the general peace of this kingdom, and his Majeſty's government therein: for preventing thereof be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of May one thouſand ſeven hundred and ſixty ſix if any perſons to the number of five or more ſhall meet, and go by night, and aſſault, injure, or otherwiſe maltreat any perſon or perſons by wounding, beating, tying, or by any other act of cruelty, whereby the life or limb of the perſon aſſaulted may be in danger, or ſhall wilfully or maliciouſly deſtroy or injure his, her, or their property, by killing, maiming, or worrying their cattle, or by deſtroying or ſpoiling their houſe or houſes, barns, mills, or mildams, hay, corn, or grain, or potatoes, whether the ſame be growing, ſtanding, or lying in the field or haggard, or maliciouſly digging up ground, that all and every perſon or perſons ſo offending, and being thereof found guilty, ſhall ſuffer death as in caſes of felony without benefit of clergy.

Expired 15 & 16. G. 3. c. 21.

A. D. 1765. Chap. 8.

II. And be it further enacted by the authority aforeſaid, That if any perſons ſhall aſſemble in number as above, and ſhall commit any of the above offences in the day time, he, ſhe, or they ſo offending ſhall on conviction thereof be deemed and conſtrued to be guilty of felony; and all and every ſuch felon and felons ſhall be ſubject and liable to the like pains and penalties as in caſes of felony; and the court, before whom ſuch perſon or perſons ſhall be tried, ſhall have power and authority to tranſport ſuch felon or felons, in like manner as other felons are directed to be tranſported by the laws and ſtatutes of this kingdom.

III. And whereas it may tend to diſcourage ſuch inſurgents from perpetrating their wicked and unlawful intentions, and in ſome meaſure prevent their being guilty of the above mentioned offences, if the damage done by them on ſuch occaſions was recovered off the county or barony wherein the ſame was committed, before the conviction of the offenders: and in order to prevent ſuch evils, and for the more effectual diſcovery and apprehending of ſuch offenders, be it enacted by the authority aforeſaid, That upon ſuch notice given to the high conſtable of the barony, where the offence ſhall be committed, as in the caſe of robbery petitions, that if the inhabitants of the adjoining towns, neighbourhood, or barony, wherein ſuch offence ſhall be committed, ſhall not apprehend, or cauſe or procure to be apprehended, the ſaid offenders, or ſome or one of them, or ſhall not diſcover to a juſtice of peace, and give an examination againſt one or more of them, before the aſſizes next after ſuch offence ſhall be committed, the perſon or perſons ſo injured ſhall be intitled to have and recover ſatisfaction for any loſs he, ſhe, or they ſhall have ſo ſuſtained, to be preſented, raiſed, and levied upon the county at large, or upon any barony of the county, at the diſcretion of the grand jury by ſuch ways and means, as other publick money may be preſented, levied, and raiſed by the laws now in force in this kingdom.

IV. And whereas the gaols in this kingdom have of late been frequently broke open, and the priſoners confined therein ſet at large: be it enacted by the authority aforeſaid, That from and after the firſt day of May one thouſand ſeven hundred and ſixty ſix any perſon or perſons, who ſhall by force or violence break open any gaol or priſon with an intention to reſcue and enlarge any priſoner or priſoners therein confined on account of any offence, though the ſame be not capital, all and every perſon or perſons, who ſhall commit ſuch offence, and ſhall be found guilty thereof, ſhall ſuffer death as in caſes of felony without benefit of clergy, and ſhall

and

and may be tryed before the tryal or attainder of the perſon or perſons ſo enlarged, any law or ſtatute to the contrary in any wiſe notwithſtanding.

V. And be it further enacted by the authority aforeſaid, That every perſon, who ſhall reſcue any perſon committed by a juſtice of the peace on a *Mittimus* for treaſon or felony from a conſtable, or any perſon legally authorized for that purpoſe, before the perſon or perſons ſo committed ſhall be lodged in gaol, ſhall on being covicted and found guilty thereof ſuffer death, as in caſes of felony without benefit of clergy.

VI. And be it further enacted by the authority aforeſaid, That all and every perſon or perſons, who ſhall by force, violence, or menaces, impoſe or tender any oath or oaths, or any other ſolemn engagement on any other perſon or perſons in order thereby to compel or engage him, her, or them to commit or conceal any unlawful act or acts, ſhall on conviction thereof be deemed and conſtrued to be guilty of felony without benefit of clergy.

VII. And be it further enacted by the authority aforeſaid, That all and every juſtice of the peace in this kingdom ſhall have full power and authority to ſummon any perſon or perſons within his juriſdiction, whom he ſhall have cauſe to ſuſpect to have taken ſuch illegal oaths, and to examine him, her, or them relative thereto; and in caſe ſuch perſon or perſons, who have been ſummoned for that purpoſe, ſhall refuſe to ſubmit to ſuch examination, it ſhall and may be lawful to and for ſuch juſtice of the peace to commit the perſon or perſons ſo refuſing to be examined to the publick gaol of the county, where he is juſtice of the peace, for any ſpace of time not exceeding ſix months.

VIII. And to prevent any defect in the execution of the ſaid law be it further enacted by the authority aforeſaid, That if a juſtice of the peace of the county, where any offence is committed, happens to be in another county, he, or any juſtice of the peace for ſuch foreign county, may upon proper information iſſue his or their warrant to arreſt any perſon offending againſt this act; and the perſon arreſted ſhall be brought before ſuch juſtice of the peace, who is hereby impowered upon due examination and probable cauſe appearing to him or them either to commit the offender to priſon, or to admit him to bail, if the offence, with which he is charged, be a bailable offence, or to diſcharge him if no ſufficient cauſe for his detention appears; and that ſuch juſtice of the peace ſhall return all examinations and recognizances, taken by or entered into before him, to the next aſſizes or general quarter ſeſſions to be held for the county, in which ſuch offence is alledged

A. D. 1765. Chap. 8.

to have been committed; and ſuch juſtice of the peace ſhall or may be examined on the tryal of ſuch offender in the proper county, and he ſhall attend to give evidence on ſuch tryal, unleſs prevented by ſome fatality, or inevitable accident, or other ſufficient reaſon verified by the affidavit of the party or ſome other credible perſon; and if he ſhall make default herein, he ſhall be fined by the court in a ſum not leſs than ten pounds, nor exceeding twenty pounds; which fine ſhall be eſtreated into the exchequer.

IX. Provided always, and be it enacted by the authority aforeſaid, That nothing herein centained ſhall be conſtrued in any ſort to repeal or alter any act of Parliament now in force relating to the offences herein before mentioned; but that ſuch acts ſhall remain in full force, as if this act had never been made.

X. And be it enacted by the authority aforeſaid, That this act, and every clauſe herein contained, ſhall be read publickly in open court on the ſecond day of every aſſizes, and the firſt day of every quarter ſeſſions of the peace, in every county of this kingdom.

7 G. 3. 20. ſ. 5. XI. And be it further enacted by the authority aforeſaid, That this act ſhall continue in force for two years, and to the end of the then next ſeſſion of Parliament.

CHAP. IX.

An Act for explaining and amending the Laws relative to the Flaxen and Hempen Manufactures.

3 G. 3. 34. ſec. 34. WHEREAS by an act paſſed in the third year of his Majeſty's reign, intituled, *An act for regulating the flaxen and hempen manufactures of this kingdom*, it is amongſt other things enacted, that no piece of brown or unbleached plain linnen cloth of the ſet of eight hundred or upwards ſhall be ſold or expoſed to ſale within the province of Ulſter, which if thirty ſix, thirty ſeven, or thirty eight inches broad, ſhall contain any greater number of yards in length than twenty five yards, upon pain of forfeiting ſuch piece and alſo the ſum of forty ſhillings by the perſon ſelling or expoſing ſuch piece to ſale, or packing up, or entering the ſame for exportation: and whereas a doubt has ariſen upon the conſtruction of the ſaid act, whether, if a piece of linnen cloth, which exceeds twenty five yards in length, but does not meaſure twenty ſix yards in length compleat, ſhall be expoſed to ſale in any

doubt thereupon.

fair or market, the ſame ſhall be forfeited within the intention of the ſaid act of Parliament: be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That no piece of linen cloth of the length of twenty five yards, which ſhall be expoſed to ſale or ſold in any fair or market, ſhall within the intention of ſaid act be forfeited for improper meaſure in length, unleſs the ſaid piece ſhall meaſure twenty ſix yards compleat.

no piece of linen of the length of 25 yards in fair or market forfeited, unleſs 26 yards compleat.

II. And whereas diſputes frequently ariſe in fairs or markets between the buyer and ſeller of linen cloth and yarn in reſpect of the price, firſt agreed to be paid by the buyer of ſuch cloth or yarn for the cloth or yarn bought or ſold in ſuch fair or market: be it enacted by the authority aforeſaid, That in order to put an end to ſuch diſputes it ſhall and may be lawful for the ſeller of any cloth or yarn in any fair or market, if the buyer of ſuch cloth or yarn ſhall without juſt cauſe refuſe to pay him, her, or them ſelling the ſame the price firſt agreed upon between them, to complain immediately or at any time within twenty four hours to the next juſtice of the peace, truſtee of the linen manufacture, or chief magiſtrate within their reſpective juriſdictions; which juſtice of the peace, truſtee of the linen manufacture, or chief magiſtrate within their reſpective juriſdictions are hereby required and authorized forthwith to ſummon the parties before him; and if it ſhall appear to ſuch juſtice of the peace, truſtee of the linen manufacture, or chief magiſtrate within their reſpective juriſdictions, that the buyer of ſuch linen cloth or yarn ſhall without juſt and reaſonable cauſe refuſe to pay the ſeller of ſuch cloth or yarn the price, firſt agreed upon between ſuch buyer and ſeller at ſuch fair or market, ſuch juſtice of the peace, truſtee of the linen manufacture, or chief magiſtrate within their reſpective juriſdictions may by warrant under his hand and ſeal order ſuch cloth or yarn to be returned to the ſeller thereof, and may by ſuch warrant direct any penalty not exceeding the ſum of ten ſhillings to be levied off the goods and chattels of ſuch buyer of cloth or yarn, who ſhall without juſt cauſe refuſe to pay the price firſt agreed upon; the ſaid penalty to be paid to the perſon, who had contracted to ſell the ſame, as a recompence for the loſs of time and ſale of their goods at ſuch fair or market.

Buyer of cloth or yarn in fair or market refuſing without juſt cauſe to pay price firſt agreed, on complaint in 24 hours to next juſtice, truſtee, or chief magiſtrate ſummoned, the cloth or yarn returned, and penalty not above 10s. to ſeller as a recompence.

III. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for every perſon ſeized in poſſeſſion in law or equity of any eſtate in fee tail, or for life, with immediate remainder over to or in truſt for his iſſue,

Tenant in tail or for life, immediate remainder to iſſue, may demiſe, except demeſne, and

to demiſe any land out of his ſaid eſtate, whereof he ſhall be ſo ſeized, being no part of the demeſne uſually occupied with his manſion-houſe, and not exceeding five acres plantation meaſure in the whole, for three lives renewable for ever to any perſon or perſons who ſhall engage and contract to carry on ſome branch of the linen manufacture on the land ſo to be demiſed.

not exceeding 5 acres for 3 lives for ever on contract to carry on a branch of the manufacture there.

IV. Provided that the beſt and higheſt rent be reſerved for the land ſo to be demiſed, that can be reaſonably had for the ſame at the time of making ſuch demiſe, without fine; and that one half year's rent of the ſaid demiſed land be reſerved as a renewal fine on the fall of every life, to be paid within ſix months after the fall of ſuch life; and that the leſſee or leſſees do covenant by ſuch leaſe or leaſes to erect on the land ſo to be demiſed houſes or other buildings fit and well adapted for carrying on ſome branch or branches of the linen manufacture on the lands ſo to be demiſed, and do covenant to preſerve and keep the ſame in proper order and repair, and carry or cauſe to be carried on ſome branch or branches of the linen manufacture, on the land ſo demiſed during the continuance of the ſaid demiſe; and provided that ſuch houſes and buildings be erected and compleated within five years after the making ſuch demiſe; and that every leaſe, that ſhall be made agreeable to the conditions and terms aforeſaid, and provided the leſſee or leſſees ſhall duly perform the ſaid covenant or covenants for building, ſhall be good and valid, notwithſtanding any ſettlement reſtraining ſuch tenant for life or in tail from making ſuch leaſe or leaſes; and that it ſhall and may be lawful to and for every perſon ſeized as aforeſaid, to make one or more leaſe or leaſes of any part or parts of the land, whereof he ſhall be ſo ſeized, being no part of the demeſne uſually occupied with his manſion-houſe, and not exceeding fifteen acres plantation meaſure, in any one ſuch leaſe for one or more life or lives renewable for ever, or for any term of years, for the purpoſe of making a bleach-yard or bleach-green thereon, and furniſhing conveniencies for the workmen and perſons to be employed therein.

Reſerving beſt rent, without fine,

and half a year's on renewal of each life,

and covenant to build and keep in repair for ſaid manufacture,

buildings compleated in 5 years after,

and like demiſe, not exceeding 15 acres for lives or any years for bleach-yard.

V. Provided that the beſt and higheſt rent be reſerved by every ſuch leaſe for the land thereby demiſed, that can be reaſonably had for the ſame at the time of making ſuch leaſe, without fine; and in caſe one third part of the land demiſed by any one ſuch leaſe ſhall be formed into a bleach-yard or bleach-green within three years after the making of ſuch leaſe, and a ſum or ſums of money, not leſs than ten pounds for every acre demiſed by ſuch leaſe, ſhall be laid out within the ſaid three years in improvements for the purpoſe only of carrying on the bleaching buſineſs on the ſame, then, and not otherwiſe, ſuch

1-3d of the land formed in 3 years after,

and 10l. per acre laid out in 3 years for ſaid purpoſe.

leaſe

leaſe ſhall be good and effectual notwithſtanding any ſettlement reſtraining ſuch tenant for life or in tail from making ſuch leaſe or leaſes. A. D. 1765.

CHAP. X.

An Act for the more effectually carrying into Execution the Laws heretofore made to prevent the pernicious Practice of burning Land.

WHEREAS an act paſſed in the ſeventeenth year of the reign of his late Majeſty King George the ſecond to prevent the pernicious practice of burning land and for the more effectual deſtroying of vermin; which act, as to ſuch part thereof as relates to the burning of land, was by an act made in the twenty firſt year of the reign of his late Majeſty continued until the twenty ninth of September one thouſand ſeven hundred and ſixty, and from thence to the end of the then next ſeſſion of Parliament, and, as to ſuch part thereof as relates to the burning of land, was by an act paſſed in the firſt year of his preſent Majeſty King George the third, intituled, *An act for reviving, continuing, and amending ſeveral temporary ſtatutes*, with ſeveral amendments made perpetual; and whereas an act paſſed in the laſt ſeſſion, intituled, *An act for the more effectual preventing the pernicious practice of burning land:* and whereas many circumſtances have occurred, by means of which ſaid recited laws have been frequently evaded: for remedy whereof be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, that from and after the firſt day of Auguſt, which will be in the year of our Lord one thouſand ſeven hundred and ſixty ſix, in all caſes whatſoever, whether the ſoil or ſurface of any land ſhall be burned by the original leſſee or leſſees or by the occupier or occupiers of ſuch land, that then and in ſuch caſe on conviction according to the mode, preſcribed in the laſt recited act, two or more juſtices of the peace in the reſpective county, in which ſuch burning of land ſhall have been committed, ſhall iſſue their warrant for levying the penalties either for burning the land or preventing the ſurvey according to the tenor of the laſt recited act or acts either againſt the original leſſee, or any tenant or tenants deriving under ſaid original leſſee or leſſees, or the immediate occupier or occupiers of ſuch land, at the choice and election of ſaid original leſſor or leſſors, his, her, or their heirs or aſſigns; and in ſuch caſe ſuch original

17 G. 2. c. 10.

continued by 21 G. 2. 7. *ſec.* 3.

and perpetual by 1 G. 3. 17. *ſec.* 2. with amendments,

3 G. 3. 29. evaſion thereof,

whether ſoil or ſurface burned by original leſſees or occupiers, on conviction as by 3 G. 3. 29. 2 juſtices may levy the penalties againſt leſſees, under tenants, or occupiers, at election of leſſors,

leſſees or under tenants removing, the

A. D. 1765. Chap. 10.

original leſſee or leſſees or any deriving under him or them ſhall remove from the county, in which ſuch burning ſhall be committed, that any chief magiſtrate or juſtice of the peace, within whoſe juriſdiction ſuch perſon or perſons ſhall be found, ſhall back and enforce the warrant granted by ſaid juſtices of the peace, before whom the conviction was ſo had as aforeſaid; and thereupon the penalty or penalties forfeited, together with the coſts of ſurveying as aforeſaid, ſhall be levied on the goods and chattels of ſaid perſon or perſons in like manner, and with ſuch like powers, as have been provided by the laſt recited act in the caſe of any offender or offenders againſt ſaid act removing his or their goods to another county; and that any chief magiſtrate or juſtice of the peace, within whoſe juriſdiction ſuch original leſſee or tenant deriving under him may be or reſide, ſhall back and enforce ſuch ſummons or ſummonſes, to be ſerved as by the above recited act on ſaid original leſſee or intermediate tenant chargeable with ſuch offence; and that the original leſſee or intermediate tenant, on whom ſaid penalties ſhall be levied, ſhall have his remedy and indemnification againſt the occupier or occupiers of the land in ſuch manner, as by the above recited acts has been provided for the original leſſor.

warrant backed by a magiſtrate where found, as by ſaid act,

and the ſummonſes inforced,

original leſſee or intermediate tenant indemnified againſt occupier.

II. And be it enacted by the authority aforeſaid, That in default of payment according to the laſt recited act on application of any proſecutor or proſecutors, and proof made of the conviction, it ſhall and may be lawful to and for ſuch juſtices, before whom the party or parties was or were convicted, or chief magiſtrate or juſtice who backed the warrant, to commit the offender or offenders to the common gaol, as directed by ſaid act, there to remain for the ſpace of not leſs than three months nor more than twelve months, to be proportioned by the diſcretion of ſaid chief magiſtrate, juſtice or juſtices of the peace, to the quantity of land reſpectively by or under him or them ſo burned.

On default of payment impriſonment not under 3, nor above 12 months in proportion to the quantity of land.

III. And be it further enacted by the authority aforeſaid, That all biſhops, deans and chapters, and other corporate bodies, who may under their reſpective corporate rights be poſſeſſed of landed eſtates, ſhall and may have and enjoy all the ſame remedies, conferred by the above recited laws, in ſuch manner as if they were to be deemed heirs to their predeceſſors in ſuch eſtates and lands.

Like remedies to biſhops and bodies corporate as if heirs to predeceſſors.

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CHAP. XI.

An Act for allowing further Time to Perſons in Offices or Employments to qualify themſelves purſuant to an Act, intituled, *An Act to prevent the further Growth of Popery.*

Expired 1ſt Auguſt 1766.

WHEREAS ſeveral perſons, well affected to his Majeſty's government and the church of Ireland as by law eſtabliſhed, may have through ignorance neglected or been prevented by ſickneſs or other unavoidable cauſes from taking and ſubſcribing the oaths, and making and ſubſcribing the declaration, and from receiving the ſacrament of the Lord's Supper, according to the directions of an act made in this kingdom in the ſecond year of the reign of her late Majeſty Queen Anne, intituled, *An act to prevent the further growth of popery*, and by their inadvertency may have incurred great penalties: be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and every perſon or perſons, who have incurred any penalties and incapacities in the ſaid act, intituled, *An act to prevent the further growth of popery*, mentioned, by neglecting to qualify themſelves according to the ſaid act, ſhall be and are hereby indemnified, freed, and diſcharged of and from all incapacities, diſabilities, forfeitures, and penalties, incurred by reaſon of ſuch omiſſion or neglect as aforeſaid; and that no act or acts done by them, or any of them or by authority derived from them, or any of them, and not yet avoided, ſhall be queſtioned or avoided by reaſon of ſuch neglect or omiſſion: but all ſuch acts ſhall be, and are hereby declared and enacted to be, as good and effectual, as if all and every ſuch perſon and perſons had taken and ſubſcribed the ſaid oaths, and received the ſaid ſacrament, and made and ſubſcribed the ſaid declaration, in manner as aforeſaid; any thing in the ſaid act to the contrary notwithſtanding.

II. Provided ſuch perſon or perſons do and ſhall take and ſubſcribe the ſaid oaths, and receive the ſaid ſacrament, and make, repeat, and ſubſcribe the ſaid declaration in ſuch manner and form, and in ſuch place and places, as are directed and appointed by the ſaid act *to prevent the further growth of popery*, on or before the firſt day of Auguſt, which ſhall be in the year of our Lord, one thouſand ſeven hundred and ſixty ſix.

III. And whereas ſeveral of his Majeſty's ſubjects are often preferred in the army reſiding in Great-Britain; by which they are by the laws in force in that kingdom obliged to qualify themſelves in ſome part of Great-Britain by receiving the ſacrament, taking the oaths, and ſubſcribing the declaration, within the time mentioned in ſuch laws: and whereas the regiment or regiments, in which ſuch officer or officers have commiſſions ſo granted to them are often ordered into this kingdom, and put upon this eſtabliſhment, by which a doubt has ariſen whether ſuch officer or officers, notwithſtanding he or they having qualified themſelves in Great-Britain for ſuch commiſſions according to the ſaid laws, are not by the laws in force in this kingdom obliged to qualify themſelves after their arrival here for ſuch commiſſions according to an act of Parliament paſſed in this kingdom in the ſecond year of the reign of her late Majeſty Queen Anne, intituled, *an act to prevent the further growth of popery*: be it enacted by the authority aforeſaid, That no officer or officers ſo preferred in Great-Britain, who ſhall have qualified him or themſelves for ſuch commiſſion or commiſſions according to and within the time limited by the ſaid laws made in Great-Britain, ſhall be obliged to qualify him or themſelves in this kingdom for ſuch commiſſion or commiſſions ſo granted to him or them in ſuch regiment or regiments, after their arrival in this kingdom, and being put upon this eſtabliſhment, any law, uſage, or cuſtom to the contrary notwithſtanding.

IV. Provided always that this act, or any thing herein contained, ſhall not extend to reſtore or intitle any perſon or perſons to any office or employment already actually avoided by judgment of any of his Majeſty's courts of record, or already filled up by any other perſon: but that ſuch office or employment ſhall be and remain in the perſon or perſons who is or are now intitled by law to the ſame, as if this act had never been made.

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CHAP. XII.

An Act for directing the Application of the ſum of Eight Thouſand Pounds, granted to the Dublin Society *for the Encouragement of ſuch Trades and Manufactures as ſhould be directed by Parliament.*

Dublin Society impowered to diſpoſe for encouragement of ſeveral manufactures of 8000l. granted 5 *G.* 3. 1. *ſec.* 7. and ſo much of 8000l. by 3 *G.* 3. 1. *ſec.* 13. as unapplied.

WHEREAS by an act made this ſeſſion, intitled, *An act for granting and continuing to his Majeſty an additional duty on beer, ale, ſtrong waters, wine, tobacco, hides, and other goods and merchandizes therein mentioned, and for prohibiting the importation of all gold and ſilver lace except of the manufacture of Great Britain*, it is amongſt other things enacted, That the ſum of eight thouſand pounds ſhould be paid to the Dublin Society for the encouragement of ſuch trades and manufactures, as ſhould be directed by Parliament: and whereas an act paſſed the laſt ſeſſion of Parliament for directing the application of the ſum of eight thouſand pounds granted that ſeſſion to the ſaid Dublin Society for the encouragement of ſuch trades and manufactures, as therein is mentioned: and whereas part of the ſaid laſt mentioned ſum remains in the hands of the ſaid ſociety unapplied: in order therefore to direct and regulate the application of the ſaid ſum of eight thouſand pounds, granted as aforeſaid this ſeſſion of Parliament, and ſuch part of the ſaid ſum of eight thouſand pounds granted the laſt ſeſſion, as ſhall remain unapplied under the ſaid recited act, be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That it ſhall and may be lawful to and for the ſaid Dublin Society to diſpoſe of the ſaid ſeveral ſums for the purpoſes and in the manner herein after mentioned: (that is to ſay) for the encouragement of the ſilk, woollen, leather, iron or ſteel, copper or braſs, paper, glaſs, and earthen ware manufactures, mixed manufactures of ſilk, wool, cotton, mohair, or linnen thread, gold or ſilver thread, or laces thereof manufactured, and of the manufacture of printing, ſtamping, and ſtaining of linnens or cottons.

And before 24 June yearly determine how much for each manufacture.

II. And be it enacted by the authority aforeſaid, That the ſaid Dublin Society ſhall on ſome day previous to the twenty fourth of June in every year, till the ſaid ſum of eight thouſand pounds granted this ſeſſion of Parliament, and ſuch part of the ſum of eight thouſand pounds granted laſt ſeſſion of Parliament, as remains unapplied, or ſhall remain at any time hereafter unapplied, be wholly applied and diſpoſed of, reſolve and determine,

mine, how much money ſhall be applied for the encouragement of each of ſaid manufactures and trades in each year, and ſhall cauſe ſuch reſolution to be entered in their books and publiſhed in the Dublin Gazette.

entered and publiſhed

And by 10 Dec. yearly ſettle manner of payment,

III. And be it further enacted by the authority aforeſaid, That the Dublin Society on or before the tenth day of December in every year ſhall regulate and ſettle in what manner, the reſpective ſums, which ſhall be ſo allotted as aforeſaid for the encouragement of the ſaid reſpective manufactures and trades, ſhall be paid and diſtributed in each year, and ſhall cauſe ſuch reſolution to be entered in their books and publiſhed in the Dublin Gazette.

entered and publiſhed.

Goods made ſubſequent to determination.

IV. Provided always, That no perſon ſhall be capable of receiving any part of the ſaid ſums for any goods, which ſhall not be manufactured or made ſubſequent to the time of determining, how much money ſhall be applied for the encouragement of the ſaid manufactures and trades in each year.

Diſtribution according to quantity and quality.

V. Provided alſo, That ſuch diſtribution ſo to be made ſhall be made according to the quantity and quality of the goods ſo to be manufactured.

Make orders for examination to prevent frauds,

VI. And be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Dublin Society to make ſuch orders and regulations for examining the quantity and quality of ſuch goods, for which any premium ſhall be demanded, as they ſhall judge moſt expedient for the publick ſervice, and moſt likely to prevent any frauds in the perſon or perſons who ſhall claim to be intitled to ſuch premiums; and in caſe any diſputes ſhall ariſe touching the right of any perſon or perſons to ſuch premium, the Dublin Society ſhall finally determine the ſame.

and determine diſputes.

No member owing above a year's ſubſcription ſhall vote.

VII. And be it further enacted by the authority aforeſaid, That no member of the ſaid ſociety ſhall be intitled to vote in the ſaid ſociety on any pretence whatſoever, who ſhall be indebted more than one year's ſubſcription to the ſame.

CHAP. XIII.

An Act for making a Turnpike Road from the Town of Kanturk in the County of Cork, to Fair Lane in the North Liberties of the City of Cork, and for other Purpoſes therein expreſſed.

WHEREAS the old frequented highways or roads, leading from the town of Kanturk in the county of Cork, to Fair Lane in the north liberties of the city of Cork, are become ſo ruinous and bad, that many parts thereof are impaſſable and very dangerous for travellers, and cannot by the ordinary means appointed by the laws and ſtatutes of this realm now in force be effectually amended and kept in good repair: and whereas from a late ſurvey it appears, that a much better and ſhorter road by two miles and one hundred and twenty three perch, plantation meaſure, may be made from Kanturk to the city of Cork aforeſaid, in the following direction, to wit, from Kanturk aforeſaid, to the new bridge over the river Black Water, and from thence to and thorough the lands of Gortmore, and to and through the lands of Gortavoker, Ballinvullin, Curraghbower, Kilgobnet and Gneeves, and from thence to the old frequented road leading to Aghadullane, and from thence to and through the lands of Pluckanſe, Garryadeen, Newcaſtle, Garrycloyn, Knocknalyre, Knocknaſove, Ballygubeen, Ardamadane, Carraghnalaght, Clogheenmilcon, Monard, Rathpeakan, and Killeens, and from thence to Fair Lane in the north ſuburbs of the city of Cork aforeſaid: and that it would be a publick utility to make, repair, and carry the old croſs road, which begins at Knocknaſove pound, and terminates at the old road on the lands of Clogheens, in the following line and direction (that is to ſay) from and beginning at the pound of Knocknaſove, and running from thence to and through the lands of Knockacurrabally, the Mill-Field, Inchemore, Killiſhil, Killard, and Clogheens, and ſo on in a direct line to the city of Cork aforeſaid: wherefore, and to the intent that ſuch roads may with convenient ſpeed be effectually made, amended, and kept in good repair, be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That for the better ſurveying, ordering, making, amending, and keeping in repair the ſaid highways or roads, it ſhall and may be in the power of the right honourable Edmond earl of Cork, the right

Truſtees named.

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right honourable John earl of Egmont, the right honourable Richard earl of Shannon, the right honourable William earl of Inchiquin, the right honourable Hayes lord viſcount Doneraile, the right honourable Stephen lord viſcount Mountcaſhell, the right honourable John Lyſaght, lord baron Liſle of Mount North, the honourable Francis Anneſly eſquire, the honourable John Lyſaght eſquire, the right honourable John Hely Hutchinſon, ſir Robert Deane baronet, ſir John Conway Colthurſt baronet, ſir John Jefferyes, Richard Fitz-Gerald, St. Leger Aldworth, Richard Townſend, Richard Aldworth, Boyle Aldworth, Cornelius O'Callaghan of Bantyre, Richard Newman, William Ponſonby, Silver Oliver, Henry Sheares, James Dennis, Richard Johnſon, James Devonſher, Francis Kearney, James Kearney, Edward Thornhill, William Verling, William Snowe, William Parks, Barry Velverſton, Adam Newman, Richard Newman the younger, William Freeman, Robert Tilſon Deane, Thomas Webb, Matthias Earbury, William Hull, Denham Jephſon, Abraham Devonſher, William Jephſon, John Colthurſt, Nicholas Dunſcombe, Riggs Falkiner, Wallis Colthurſt, John Carleton, John Spread, Robert Nettles, Epenetus Croſs, William Crooke, Abraham Morris, Cornelius Townſend, Maſſey Hutchinſon, Walter Atkins, Matthew Parker, James Collins, Richard Eyre, James Harmet, John Leather, John Bowen, Anthony Cooper, Maurice Copinger, William Fuller, Thomas Strettle, Joſeph Devonſher, John Barry, Edmond Barrett, Stephen Mills, Henry Baldwin, Robert Warren, Thomas Corker, William Crooke the elder, Bartholomew Purdon, Thomas Weeks, Chriſtopher Carleton, George Piercy, Francis Gray, John Dennis, Cooper Penroſe, James Lombard, Henry Bowerman, Henry Wrixon of Ballygiblin, Henry Wrixſon of Bloſſomfort, Arthur Baſtable, John Wallis, Nicholas Chinnery, James Purcel, Joſeph Capell, William Spread, Thomas Butler, Joſeph Wetheral, James Grove, Henry Cole, Bowen and George Stawell eſquires, the reverend James Kingſton, the reverend Richard Purcell, the reverend Edward Lombard, the reverend Norris Jephſon, the reverend Horatio Townſend, the reverend Richard Pigot, the reverend Jackſon Burnet, the reverend James Stopford, the reverend John Oliver, John Purcel, Goodwin Purcell, Roger Adams, Abraham Allen, John Philpot, Luke Philpot, Manus O'Keef, Stephen Minton, Thomas Glover, William White, John Heneſy, James Heneſey, both of Park, Joſeph Collins, Pierſe Power, David Power, Thomas Harmond, William Mc. Creight, Thomas Adams, Moſes Newſom, Henry Newſom, Robert Campion, Thomas Franks of Carrig, Thomas Franks junior, Thomas Courtney, John Dowling, John Kingſton, Robert Naſh, George Allen, Philip

Philip Allen, Thomas Purcell, Richard Webb, Wiliam Harris, Philip Glover, Philip Barry, Richard Harris, Stephen Creagh, Edward Rubie, William Allen, and Richard Purcell gentlemen, and the ſurvivor and ſurvivors of them, who we pray, may be nominated and appointed truſtees of the ſaid roads, and that they, or any ſeven or more of them, or ſuch perſon or perſons as they, or any ſeven or more of them, ſhall authorize and appoint, ſhall and may erect, or cauſe to be erected, one or more gate or gates, turnpike or turnpikes, toll houſe or toll houſes, in, upon, or acroſs any part or parts of the ſaid highways or roads, and alſo a toll houſe and turnpike to be erected and fixed at Aughacloghduffe on the lands of Killcons aforeſaid, and another toll houſe and turnpike at the ſouth eaſt ſide of Knockacorabally aforeſaid near John Mahony's houſe on ſaid lands of Knockacorabally aforeſaid, there to remain during the continuance of this preſent act; and that at the ſaid gates and toll houſes, and at every toll houſe, gate, or turnpike to be erected purſuant to this act, there ſhall be received and taken the tolls and duties following, before any horſe, mare, gelding, aſs, or mule, cattle, coach, berlin, chariot, calaſh, chaiſe, chair, waggon, wain, cart, carr, or other carriage ſhall be permitted to paſs through the ſame (that is to ſay) for every coach, berlin, chariot, calaſh, chaiſe, or chair, drawn by ſix horſes, geldings, mares, or mules, the ſum of one ſhilling and ſeven pence halfpenny; for every coach, berlin, chariot, calaſh, chaiſe, or chair, drawn by four horſes, geldings, mares, or mules, the ſum of one ſhilling and one penny; for every coach, berlin, chariot, calaſh, chaiſe, or chair, drawn by two horſes, geldings, mares, or mules, the ſum of ſix pence halfpenny; for every waggon, wain, cart, or carriage with four wheels, ten ſhillings and ten pence; for every wain, cart, or carriage with two wheels, drawn with more than two horſes, mares, geldings, oxen, aſſes, or mules, the ſum of one ſhilling and ſix pence halfpenny; for every cart or other carriage drawn by two horſes, geldings, or mares, the ſum of four pence; for every carriage, commonly called a chair or chaiſe with one horſe, mare, or gelding, or mule, the ſum of four pence; for every car, or other carriage drawn by one horſe, mare, gelding, aſs, or mule only, the ſum of two pence; for every horſe, mare, gelding, aſs, or mule, not drawing, one penny halfpenny, except horſes carrying turf to the city of Cork for ſale; and for them only one penny; to be collected only within four miles of the city of Cork, and to be toll free at all other gates; and likewiſe excepting every cart or other carriage carrying lime, lime ſtone, dung, and other manure, or culm from the coal mines to Gortavoher, which are to paſs free of toll; and that all carriages, carrying any manure on any part of the ſaid road, ſhall be exempt from paying any toll whatſoever; for every

Any 7 may erect gates and toll houſes;

the tolls,

coaches, &c. and 6, 1s. 7½d.

with 4 horſes, 1s. 1d.

with 2, 6½d.

4 wheeled wains, 10s. 10d.

2 wheeled and above 2 horſes, 1s. 6½d.

with 2 horſes, 4d.

one horſe chair, 4d.

car, 2d.

horſe, &c. 1½d. if with turf for ſale, to Corke, 1d. within 4 miles and free at other gates.

and except manure or culm to Gortavoher,

and manure on any part,

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drove of oxen or neat cattle the ſum of one ſhilling and eight pence by the ſcore, and ſo in proportion for any greater or leſſer number; for every drove of calves, hogs, ſheep, or lambs, the ſum of ten pence by the ſcore, and ſo in proportion for any greater or leſſer number; which ſaid reſpective ſum and ſums of money, ſhall be demanded and taken in the name of or as a toll or duty; and the money ſo to be raiſed, is and ſhall be hereby veſted in the ſaid truſtees, and the ſame and every part thereof ſhall be paid, applied, and diſpoſed of, and be aſſigned to and for the ſeveral uſes, intents, and purpoſes, and in ſuch manner, as is herein after mentioned and directed; and that the ſaid truſtees, or any thirteen or more of them, be authorized and impowered by themſelves, or any perſon or perſons by them, or any thirteen or more of them, under their hands and ſeals thereunto authorized, to levy the tolls or duties hereby required to be paid, from any perſon or perſons, who ſhall, after demand made thereof, neglect or refuſe to pay the ſame, by diſtreſs of any horſe, or other cattle, or goods, upon which ſuch toll or duty is by this act impoſed, or upon any of the goods and chattles of any ſuch perſon or perſons who ought to pay the ſame, and to detain and keep the ſame, until ſuch toll or duty, with the reaſonable charges of ſuch diſtraining and keeping, ſhall be paid; and that it ſhall and may be lawful to and for the perſon or perſons ſo diſtraining, after the ſpace of five days after ſuch diſtreſs made or taken, to ſell the goods diſtrained, returning the overplus (if any be) upon demand, to the owner, after ſuch toll, duty, and reaſonable charges for diſtraining, keeping, and ſelling the ſame, ſhall be deducted and paid; which charges are to be aſcertained by one of his Majeſty's juſtices of the peace for the ſaid county.

oxen 1s. 8d. per ſcore, calves 10d.

tolls veſted in truſtees,

13 truſtees, &c. may on refuſal levy toll by diſtreſs and ſale after 5 days;

charges of diſtreſs &c. aſcertained by a juſtice.

II. And whereas the making and repairing of the ſaid roads by their great length of way, and the want of proper materials, is conſidered an undertaking attended with ſuch expence, as muſt lay the ſaid truſtees, under difficulties to raiſe ſufficient money for compleating the ſame in any reaſonable time: and whereas Richard Williams of Kanturk aforeſaid, gentleman, hath propoſed not only to be at the neceſſary expence of ſoliciting and defraying the fees of the ſeveral offices in this kingdom and Great Britain, in obtaining this preſent act of Parliament, but alſo to lay out and expend his own proper money in making and repairing the ſaid roads, and to build and erect ſeveral bridges, turnpike gates, and toll houſes on the ſaid roads at the aforeſaid rates, which propoſal of the ſaid Richard Williams is contained in the words following, (that is to ſay)

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Proposal of Richard Williams.

I Richard Williams, of Kanturk in the county of Cork, gentleman, do propose to undertake and make a turnpike road from the town of Kanturk to the city of Cork, in the following direction, to wit, from Kanturk aforesaid, to the new bridge over the river Blackwater, and from thence through Gortmore to Gortovoher, Ballinvullin, Currahbower, Kilgobnet, and Gneeves, and from thence to the old frequented road leading to Aghadullane, and from thence to Pluckans, Garryadeen, Newcastle, Garrycloyn, Knocknalyre, Knocknasove, Ballygubeen, Ardamadane, Curraghnalaght, Clogheen, Melcome, Monare, Rathpeaken, and Killeens, and from thence to Fair Lane in the North Suburbs of the city of Cork aforesaid; and also a branch of the said road, beginning at the pound of Knocknasave, and running from thence to Knockacurrabally, the Mill Field, Inchemore, Killishill, Killard, and Clogheens, and so on to the city of Cork aforesaid, containing in the whole in length by computation, six thousand six hundred and thirty one perches plantation measure, or twenty miles and two hundred and thirty one perches plantation measure, and to build five small bridges in the said road, which are absolutely wanting, at the rate of twelve shillings by the perch, including all other necessary bridges, turnpike gates, and toll houses, for each and every perch of the said road in length; and in case the said turnpike road shall measure more or less than the above computation, then the expence of making the said road, toll houses, and bridges to be increased or diminished according to the above rate of twelve shillings by the perch, the said road to be made in short and straight lines from and to the abovementioned places, as the nature of the ground will permit; provided the same shall not be carried through any house, garden, planted walk, avenue, walled park, paddock, orchard, or plantation, and that the said road shall be thirty feet broad within the trenches, and sixteen feet of it in breadth, sufficiently gravelled from end to end, to be begun the first day of May next, and carried on with all convenient speed, so as to have it quite finished in eight years, turnpike gates and toll houses to be erected, and all kept in repair during the term in the act for that purpose specified; all which, and the necessary expences of procuring the said act of Parliament, shall be at my own expence; provided that the said act shall have continuance for a term of sixty one years, and that the said tolls and duties in the said act be secured to be paid to me, my executors, administrators, and assigns, till the principal and interest of the expences of making the said road, erecting the turnpike gates, toll houses, and bridges, according to the above rates, and of the procuring the said act of Parliament, be repaid, gates, and toll houses to be fixed in such parts of the said road, where they will best answer, and secure the payment of the tolls and duties; and upon failure of

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keeping the ſaid road, bridges, houſes, and gates in repair after the term of eight years, that it ſhall be in the power of the truſtees, to be appointed by the ſaid act, or any ſeven or more of them, after giving ten days notice, to apply a ſufficient part of the ſaid tolls towards compleating the repairs of the ſaid road.

20 truſtees may contract with Williams on ſaid terms, aſſign the tolls to him, and appoint him ſurveyor.

III. And be it enacted by the authority aforeſaid, That it ſhall and may be in the power of the ſaid truſtees, or any twenty or more of them, at their firſt meeting at Richard Barrett's houſe on the lands of Pluckane in the county of Cork at any time after the paſſing of this preſent act, by any deed in writing under their hands and ſeals, to contract with the ſaid Richard Williams, his executors, adminiſtrators, or aſſigns, for repairing the ſaid road upon the terms of the ſaid propoſal, and to leaſe, mortgage, aſſign, or otherwiſe make over the tolls and duties of the ſaid roads to him or them for any time or term during the continuance of this act, till the principal and intereſt as abovementioned be paid, and to appoint him and them ſurveyor and ſurveyors of the ſaid road.

If on 1ſt May 1774, the road not compleated, and kept purſuant thereto, 20 truſtees on oath thereof by 5, may vacate ſuch contract or aſſignment, and appoint other overſeer;

IV. Provided always, and be it enacted by the authority aforeſaid, That in caſe the ſaid roads, or any of them, ſhall not be compleatly amended and repaired according to the ſaid propoſal, on or before the firſt day of May in the year of our Lord one thouſand ſeven hundred and ſeventy four, That it ſhall and may be in the power of the ſaid truſtees, or any twenty or more of them, if it ſhall appear by the oath of any other five of the ſaid truſtees, that the ſaid road is not compleated and kept in repair from time to time, according to ſaid propoſal, by any act under their hands and ſeals to vacate any contract, leaſe, mortgage, or aſſignment, that they ſhall ſo make or have made with the ſaid Richard Williams, his executors, adminiſtrators, and aſſigns, and to appoint any other overſeer or undertaker they ſhall think proper, to compleat the ſaid road; and if at any time after the ſaid firſt day of May one thouſand ſeven hundred and ſeventy four, the ſaid road ſhall not during the continuance of this act, be kept in ſufficient and proper repair, that it ſhall and may be lawful for the ſaid truſtees, or any twenty of them, to apply the tolls and duties ariſing on the ſaid roads, to the amending and ſufficiently repairing all ſuch parts thereof, as ſhall appear to the ſaid truſtees to be out of repair; and that from thenceforth the ſaid Richard Williams, his executors, adminiſtrators, or aſſigns, ſhall not be intitled to the ſaid tolls and duties during the continuance of this act.

and apply the tolls to repairing.

7 truſtees may erect ſide gates and toll

V. And be it further enacted by the authority aforeſaid, That the ſaid truſtees, or any ſeven or more of them, ſhall be impowered

impowered to erect one or more gate or gates, turnpike or turnpikes, on the ſide of the ſaid highways or roads, croſs any way or lane leading out of the ſaid road, and to build a toll houſe or toll houſes, and there to receive and take ſuch toll and tolls, as is and are appointed by this act to be taken; ſo as the ſame does not extend to a double charge in caſe of paſſing the ſame day through any other of the turnpikes to be erected by virtue of this act.

houſes, ſo as no double charge.

VI. Provided always, That in caſe there ſhall be more than one gate or turnpike in, acroſs, or on the ſide of the ſaid highways or roads intended to be made and repaired by this act, no perſon on having paid the toll or duty at the firſt gate or turnpike through which he ſhall paſs, and producing a note or ticket that the ſaid toll or duty was paid, (which note or ticket the receiver and receivers is and are hereby required to give *gratis*) ſhall be liable to pay any toll or duty at any other of the ſaid gates on the ſame day; and no perſon paſſing the place where the toll or duty ſhall be paid, who ſhall return the ſame day upon or with the ſame horſe or carriage, ſhall be liable the ſame day to pay the ſaid duty more than once: and provided always, that no toll be demanded or taken from any perſon or perſons at any ſide gate, who do not travel at leaſt half a mile on ſaid road.

No toll at 2d gate on producing ticket,

but once a day,

not on perſons who do not travel half a mile.

VII. And be it enacted by the authority aforeſaid, That if any perſon or perſons whatſoever with any coach, berlin, chariot, calaſh, chaiſe, or chair, waggon, wain, cart, car, or other carriage, or riding, or driving any horſe, mare, aſs, mule, or any other ſort of cattle, ſhall go out of the ſaid road into any bye ways to avoid the payment of the toll by this preſent act appointed to be paid, and ſhall thereof be convicted upon the oath of one or more witneſs or witneſſes before the ſaid truſtees, or any three or more of them, who are hereby impowered and required to adminiſter ſuch oath, or before one or more juſtice or juſtices of the peace for the county where ſuch offence ſhall be committed, who is and are alſo hereby impowered and required to adminiſter ſuch oath, ſuch perſon or perſons ſhall forfeit and pay to the truſtees above mentioned, or ſuch perſons as may hereafter become truſtees by virtue of this preſent act, the ſum of ten ſhillings, to be levied by diſtreſs and ſale of the offenders goods, by warrant under the hand and ſeal of ſuch juſtice or juſtices of the peace, or under the hands and ſeals of the ſaid truſtees, or any three or more of them, rendering the overplus (if any be) to the owner, the charges of taking and diſpoſing of the ſaid goods, being firſt deducted.

Avoiding payment, penalty 10s. before 3 truſtees or a juſtice.

VIII. And be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid truſtees, or any ten

For carrying the road ſtraight 10 truſtees and

or more of them, by themſelves and their proper and neceſſary attendants to enter upon, aſcertain, deſcribe, and ſet apart ſuch part and proportion of the lands adjoining or contiguous to the ſaid highways or roads, or which otherwiſe lay moſt convenient for carrying on, and continuing the ſaid highway or roads ſtraight and in direct lines, not being houſes, gardens, parks, or paddocks adjoining, avenues, orchards, plantations, or planted walks, as the ſaid truſtees, or any ten or more of them, ſhall judge neceſſary for carrying the ſame ſtraight and in a direct line as aforeſaid; and that the ſaid truſtees, or any ſeven or more of them, ſhall be authorized and impowered to treat and agree with the owners, and others intereſted in the ſaid ground, to be made uſe of in carrying the ſaid road ſtraight as aforeſaid, for ſuch recompence and ſatisfaction to be made for the ſame, out of the tolls and duties ariſing by virtue of this preſent act, as the ſaid truſtees, or any ten or more of them, ſhall think fit and reaſonable; and in caſe any perſon or perſons ſhall neglect or refuſe to treat or agree as aforeſaid, or through any diſability by nonage, coverture, or ſpecial limitation in any ſettlement or ſettlements, or by reaſon of any other impediment, cannot, or otherwiſe howſoever, ſhall refuſe to diſpoſe of their reſpective intereſts in ſuch lands, as the ſaid truſtees, or any ten or more of them, ſhall think convenient for the ſhortening the ſaid road, in every ſuch caſe the ſaid truſtees, or any ten or more of them, ſhall and may iſſue forth their warrant or warrants to the ſheriff of the county of Cork, or to the ſheriff of the county of the city of Cork, wherein ſuch ground doth lye, requiring him or them to impannel and return before the truſtees, or any ten or more of them, at ſuch time and place within the ſaid county, or county of the ſaid city, as ſhall be appointed in ſuch warrant or warrants, a ſufficient jury, who are hereby impowered to enter upon all or any of the ſaid lands, and view the ſame, and upon their oath (which oath the ſaid truſtees, or any ten or more of them, are hereby impowered and required to adminiſter) ſhall enquire into, and by their verdict or verdicts aſcertain the true and real value of ſuch ground, ſo to be made uſe of for the ſaid highways or roads; and that ſuch verdicts or inquiſitions, as ſhall be ſo found and returned by the ſaid jury aſcertaining the value of ſuch ground, ſhall be final and concluſive, as well to the ſaid truſtees, as to the ſeveral and reſpective proprietors of ſuch ground, notwithſtanding any diſability or incapacity whatſoever in ſuch proprietor or proprietors; and that the ſaid truſtees, or any ten or more of them, upon paying to the reſpective proprietors of ſuch ground ſuch ſum and ſums of money or valuable conſideration, as ſhall

attendant may enter and ſet out lands adjoining, ſave houſes, gardens, &c.

may treat with owners for ſatisfaction,

on refuſal or diſability, may iſſue warrants to ſheriff to return a jury,

whoſe verdict, aſcertaining the value, concluſive,

and on payment truſtees, &c. may enter.

be aſcertained to be paid by ſuch verdict or inquiſition of the ſaid jury as aforeſaid, are hereby authorized and impowered, and ſhall have free liberty for themſelves, or ſuch perſons as they ſhall appoint, to enter upon and make the ſaid highway or road through the ſame, or any part thereof, in the manner herein before directed and appointed; and that the ſaid truſtees, or any ſeven or more of them, or any other truſtees to be choſen by virtue of this act, ſhall and may at any of their meetings as aforeſaid, as often as they ſhall think proper, ſummon the ſaid Richard Williams and all and every receiver or receivers of all and every the tolls and duties, to be paid by this act, before them, and audite and ſtate their ſeveral and reſpective accounts, and thereby from time to time to aſcertain not only what ſum and ſums ſhall have been advanced and expended by the ſaid Richard Williams on account of any of the purpoſes aforeſaid, but alſo to aſcertain what ſum or ſums of money ſhall be from time to time received by the ſaid Richard Williams, his executors, adminiſtrators, and aſſigns, for and on account of the ſame out of all and every the tolls and duties to ariſe and become payable by virtue of this; and for that purpoſe to examine on oath not only ſuch receiver and receivers of the ſaid ſeveral tolls and duties, but alſo the ſaid Richard Williams, his executors, adminiſtrators, and aſſigns; which oath or oaths any one of the ſaid truſtees at a board is hereby impowered to adminiſter, and for which no fee or reward ſhall be taken.

7 truſtees at meeting may ſummon Williams and receivers, and audite accounts, aſcertain ſums expended and received, and examine on oath.

IX. And be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Richard Williams, his executors, adminiſtrators, and aſſigns, and for ſuch perſon and perſons as he or they ſhall appoint to dig, raiſe gather, take, and carry away gravel, furze, ſand, ſtones, or other materials out of any waſte or common of any pariſh, town, village, or hamlet, in or near which any founderous or ruinous place of the ſaid highways or roads do lie; and for want of ſufficient gravel, furze, ſand, ſtones, or other materials there, to dig, gather, raiſe, take, and carry away the ſame out of the waſte or common of any neighbouring pariſh, town, village, or hamlet, without paying any thing for the ſame: and where there is not ſufficient of ſuch materials in any commons or waſte grounds near adjoining to be found, that it ſhall and may be lawful for him and them to enter upon, dig, raiſe, and gather the ſame in the ſeveral grounds of any perſon or perſons, not being a garden, orchard, yard, or meadow, planted walk or walks, or avenue to a houſe, where any ſuch materials are or may be found, and from time to time to carry away ſuch and ſo much thereof as he or they ſhall judge neceſſary for the repairing and amend-

Materials raiſed without payment in neighbouring waſte or common,

and, if not ſufficient, in other grounds paying as by 10 truſtees adjudged.

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ing the ſaid highways or roads, paying ſuch rate for ſuch materials to the owner or occupier of the ground, from whence the ſame ſhall be digged, raiſed, gathered, and carried away, as any ten of the truſtees, appointed or to be appointed to put this act in execution ſhall adjudge reaſonable.

Truſtees poſſeſſed of 40l. a year freehold or 600l. perſonal,

X. And be it further enacted by the authority aforeſaid, That no perſon ſhall be hereafter elected a truſtee to put this act in execution, who ſhall not actually be in the poſſeſſion of a freehold eſtate of the clear yearly value of forty pounds at the time of his being elected a truſtee, or who ſhall not have a perſonal eſtate of the clear value of ſix hundred pounds; and that upon any doubt ariſing touching the value of ſuch eſtates, that the perſon ſo elected, before he ſhall be admitted to act as a truſtee, ſhall ſwear, that his eſtate is of the ſaid value before ſeven or more of the ſaid truſtees aſſembled at a board, which oath any one of the ſaid truſtees is hereby impowered and authorized to adminiſter.

on doubt ſworn thereto before 7 at a board,

Giver and receiver of tickets to evade toll forfeit 10s.

XI. And for preventing frauds and abuſes to elude and evade the payment of the ſaid tolls and duties be it enacted by the authority aforeſaid, That if any perſon or perſons, having paid the toll or duty by this act granted and made payable, and having ſuch note or ticket, notes or tickets, as are hereby required, ſhall give or diſpoſe of the ſame to any perſon or perſons in order to avoid the payment of the ſaid toll or duty, that every ſuch perſon giving, diſpoſing of, or offering the ſaid note or notes, ticket or tickets, to any perſon or perſons in order to paſs him, her, or them toll free, and the perſon receiving ſuch note or ticket, notes or tickets, being thereof convicted upon oath of one or more witneſs or witneſſes before the ſaid truſtees, or any ſeven or more of them, or before any one or more juſtice or juſtices of the peace of the county wherein ſuch offence or offences ſhall be committed, which oath any one of the ſaid truſtees and the ſaid juſtice or juſtices is and are hereby impowered to adminiſter, ſhall reſpectively forfeit and pay for every ſuch offence the ſum of ten ſhillings, to be levied, recovered, and diſpoſed of as any other penalty and forfeiture is directed to be levied, recovered, and diſpoſed of by this act.

Continuance 61 years.

XII. And be it further enacted by the authority aforeſaid, That the tolls or duties, hereby granted, ſhall take place and have continuance from and after the firſt day of May in the year of our Lord one thouſand ſeven hundred and ſixty ſix for and during the term of ſixty one years.

Unleſs before adjudged by truſtees ſufficiently repaired.

XIII. Provided nevertheleſs, That if any time before the expiration of the ſaid term of ſixty one years all parts of the ſaid road ſhall be ſufficiently amended and repaired, and ſo adjudged by

by the majority of the truſtees, appointed or hereafter to be choſen by virtue of this act, by an adjudication made under their hands and ſeals, and that it ſhall in like manner appear, that all ſum and ſums of money expended in making and repairing the ſaid roads, building and erecting bridges, gates, toll-houſes, in making compenſation for all grounds and lands broke up in ſearch of materials, and for all grounds through which the ſaid road ſhall run, ſhall have been fully ſatisfied with intereſt for the ſame, and the expences of this act, and all other neceſſary charges attending the execution of this act, that then and from thenceforth the ſaid tolls and duties ſhall ceaſe and determine, any thing herein contained to the contrary notwithſtanding.

On death of truſtees 15 may elect others living in county of Cork.

XIV. And be it further enacted by the authority aforeſaid, That for the continuing of a ſufficient number of able perſons to be truſtees for putting in execution all and every the powers in this act contained for and during the continuance thereof it ſhall and may be lawful to and for the ſaid truſtees, or any fifteen or more of them, upon the death of any of the ſaid truſtees in the ſaid truſt from time to time and all times hereafter during the term aforeſaid to elect, nominate, and appoint in the room of ſuch truſtee or truſtees ſo deceaſed another fit and able perſon, or ſo many more fit or able perſons, living in the ſaid county of Cork or in the county of the city of Cork, to be joined with the ſaid truſtees in the execution of all and every the power and powers in them repoſed by virtue of this act: and that all and every perſon or perſons to be choſen truſtee or truſtees to join in putting this act in execution, as they are herein before qualified to do, ſhall and are hereby impowered to act to all intents and purpoſes in as full, large, and ample manner, as the ſaid truſtees are by this act impowered to do, and ſo *toties quoties* as occaſion ſhall require.

A publick act.

XV. And be it enacted by the authority aforeſaid, That this act ſhall be deemed, adjudged, and taken to be a publick act, and be judicially taken notice of as ſuch by all judges, juſtices, and other perſons whatſoever, without ſpecially pleading the ſame.

CHAP. XIV.

An Act for more effectually amending the Publick Roads.

Repeal of the following road acts,

WHEREAS difficulties ariſe from the multiplicity of the laws heretofore made for the amending or repairing the highways or roads in this kingdom, and it is found expedient to repeal the ſame, and to make a new act containing all the parts of ſuch laws, as have proved effectual, and are proper to be continued, with ſuch additions and amendments as are herein after contained: be it therefore enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of July one thouſand ſeven hundred and ſixty ſix an act paſſed in the eleventh year of the

11 *J.* 1. 7. reign of King James the firſt, intitled, *An act for repairing and amending of highways and cauſhes, and cutting or clearing of paces,*

10 *C.* 1. 26. ſeſſ. 2. alſo an act paſſed in the tenth year of the reign of King Charles the firſt, intitled, *An act concerning the repairing and amending of bridges, cauſeways, and toghers in the highways;* alſo an act

4 *Anne* 6. paſſed in the fourth year of the reign of Queen Anne, intitled, *An act to prevent the illegal raiſing of money by grand juries, and the miſapplying of money legally raiſed;* alſo an act paſſed in the

9 *Anne* 9. ninth year of the reign of her late Majeſty Queen Anne, intitled, *An act for the amending of the highways and roads in this kingdom, and for the application of the ſix days labour;* alſo ſo

6 *G.* 1. 10. as to highways and publick money. much of an act paſſed in the ſixth year of the reign of King George the firſt, intitled, *An act for the better regulating the pariſh watches, and amending of the highways in this kingdom, and for preventing the miſapplication of publick money*, as relates to the amending the highways in this kingdom, and to the preventing the miſapplication of publick money; alſo an act paſſed

1 *G.* 2. 3. in the firſt year of the reign of his late Majeſty King George the ſecond, intitled, *An act for the more ſpeedy and effectual repair of bridges in the ſeveral counties of this kingdom;* and alſo

1 *G.* 2. 13. another act paſſed in the firſt year of the reign of his late Majeſty King George the ſecond, intitled, *An act for explaining and amending ſeveral laws made for amending the highways and roads in this kingdom, and for the application of the ſix days labour;* alſo

13 *G.* 2. 20. an act paſſed in the thirteenth year of the reign of his late Majeſty King George the ſecond, intitled, *An act to explain and amend an act paſſed in the ſixth year of the reign of his late Ma-*

jeſty King George the firſt, intitled, *An act for the better regulating the pariſh watches, and amending the highways in this kingdom, and for the preventing the miſapplication of publick money*, alſo an act paſſed in the thirty third year of the reign of his late Majeſty King George the ſecond, intitled, *An act to alter and amend the laws for the repair of highways*, alſo an act paſſed in the third year of the reign of his preſent Majeſty, intitled, *An act for regulating the proceedings of grand juries in the preparing and forming of preſentments for the levying of money*, alſo another act paſſed in the third year of the reign of his preſent Majeſty, intituled, *An act for amending an act*, intituled, *An act to explain and amend an act paſſed in the ſixth year of the reign of his late Majeſty King George the firſt*, intitled, *An act for the better regulating the pariſh watches, and amending the highways in this kingdom, and for preventing the miſapplication of publick money*, be repealed and made null and void.

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33 G. 2. 8.

3 G. 3. 7.

3 G. 3. 8.

II. And for the more effectually repairing the publick roads, or for making of new roads where neceſſary in this kingdom, be it further enacted by the authority aforeſaid, That from and after the firſt day of July one thouſand ſeven hundred and ſixty ſix it ſhall be lawful for the grand jury of any county at the aſſizes, or for the grand jury of the county of Dublin in Hillary and Trinity terms every year, to preſent ſuch ſum or ſums of money, as they ſhall think fit, upon any barony or baronies in ſuch county for the repairing old roads or making new roads through ſuch barony or baronies, and alſo for the wages of the overſeer or overſeers of every ſuch road not exceeding three pence for each perch, ſo to be by him repaired according to this act.

Repealed 13 & 14. G. 3. c. 23. ſ. 1. ſave ſec. 1ſt.

III. Provided that no money ſhall be ſo preſented for the repairing any old road, unleſs an affidavit ſhall be previouſly made by two credible perſons, who can read and write, before one of the judges of aſſize, or before two juſtices of the peace for the ſaid county, or before one of the judges of his Majeſty's court of King's Bench if for the county of Dublin, who are hereby impowered to adminiſter the ſame in the following form;

County of ——— } A. B. ——— *and* C. D. *of* ——— *do ſwear, that they have lately viewed and meaſured* ——— *perches of the road from*

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from——to——between——and——all in the barony of——in the ſaid county; and that it will require the ſum of——ſufficiently to repair and make the ſaid——perches——feet wide, with ſtones and gravel, being at the rate of—— by the perch, which, they verily believe, is the leaſt the ſaid——perches can be ſufficiently repaired for.

Which affidavit the clerk of the crown of ſuch county is hereby required to file and keep amongſt the records of ſuch county; and that no money ſhall be paid on account of any ſuch preſentment by the treaſurer of any county, until the affidavit of one of the overſeers appointed by the grand jury, ſworn before one of the judges of aſſize or judges of the court of King's bench and in the following form, ſhall be allowed by the grand jury and by the judges of aſſize or court of King's bench;

County of —— } *Whereas the ſum of——was preſented by the grand jury of the ſaid county of——at——in the year——to be expended in repairing——perches of the road from——to——between——and——being at the rate of——by the perch: Now I——of——one of the overſeers appointed by the grand jury for the ſaid road do ſwear, that I have faithfully and honeſtly expended the ſum of——in repairing——perches of the ſaid road; and that the ſaid—— perches were effectually repaired by me as aforeſaid; which ſum, with my wages at—— a perch, amounts in the whole to the ſum of——and that every part of the ſaid road, which hath been ſo repaired, hath been made fourteen feet wide at the leaſt, with ſtones or gravel, and is twenty one feet wide in the clear within the ditches, drains, or fences;*

Which affidavit the clerk of the crown for the county, where the ſame ſhall be made, is hereby required to file and keep amongſt the records of the ſaid county.

IV. Provided that money ſhall be ſo preſented for the making any new road, unleſs an affidavit be firſt made by two credible witneſſes, who can read and write, ſworn before two juſtices of the peace for the county, where the road to be made lies, who are hereby impowered to adminiſter the ſame, or before one of the judges of aſſize or judges of the court of King's bench; which affidavit ſhall be in the following form:

County of —— } A. B. *of——and* C. D. *of——do ſwear, that they have lately viewed and meaſured——perches of a new road lately laid out from——to——between——and——all in the barony of——in the ſaid county,*

county, and that it will require the ſum of———to make the ſaid———perches of road thirty feet wide in the clear, and fourteen feet wide at the leaſt with ſtones or gravel, being at the rate of———by the perch, which, they verily believe, is the leaſt, the ſaid———perches can be ſufficiently made for.

Which affidavit the clerk of the crown for the county, where the ſame ſhall be made, is hereby required to file and keep amongſt the records of the ſaid county; and that no money ſhall be paid on account of any ſuch preſentment by the treaſurer of any county, until the affidavit of one of the overſeers appointed by the grand jury, ſworn before one of the judges of aſſize or judges of the court of King's bench and in the following form, ſhall be allowed by the grand jury, and by the judge of aſſize, or judge of the court of King's bench:

County of ——— } *Whereas the ſum of———was preſented by the grand jury of the ſaid county at———in the year———to be expended in making———perches of the road from———to———between———and———being at the rate of———by the perch: Now I* A. B. *of———one of the overſeers appointed by the ſaid grand jury do ſwear, that I have faithfully and honeſtly expended the ſum of——— in making———perches of the ſaid road; and that the ſaid———perches were effectually made by me as aforeſaid; which ſum with my wages at———*per *perch amounts to———and that the ſaid———perches are made fourteen feet wide at the leaſt with ſtones or gravel, and are thirty feet wide in the clear within the drains, ditches, or fences.*

Which affidavit the clerk of the crown for ſuch county is hereby required to file and keep amongſt the records of the ſaid county.

V. And be it further enacted by the authority aforeſaid, That if it ſhall appear to the grand jury of any county at the aſſizes or to the grand jury of the county of Dublin in Hillary or Trinity term, by the affidavit of two credible perſons, who can read and write, ſworn before two juſtices of the peace, (who are hereby impowered to adminiſter the ſame) or before one of the judges of aſſize, or one of the judges of the court of King's bench, that any old road in ſuch county is not twenty one feet wide in the clear of drains, ditches, or fences, except where ſuch road is incloſed on each ſide by walls five feet high or more, built with lime and ſtones or bricks, that then and in ſuch caſe ſuch grand jury may and is hereby impowered to preſent ſuch old road to be widened to the breadth of twenty one feet in the clear, within the drains, ditches,

or fences; and alſo ſuch ſum or ſums of money, as ſhall appear to them by the affidavit of two credible perſons, who can read and write, ſworn as before, to be neceſſary to widen ſuch road, and to make fences inſtead of thoſe that ſhall be taken down or deſtroyed in order to widen ſuch road, upon the barony in which the ſaid road is.

VI. And be it further enacted by the authority aforeſaid, That it ſhall be lawful for the grand jury of any county at the aſſizes, and for the grand jury of the county of Dublin in Hillary or Trinity term, at the requeſt of any perſon by preſentment, in which ſuch perſon's name ſhall be inſerted, to lay out new roads in more convenient lines from market town to market town, or from any market town directly to the ſea, through the reſpective counties; and to deſcribe and aſcertain the lands and places, through which ſuch new roads ſhall be made; maps of which roads ſhall be left with the the clerk of the crown to be kept amongſt the records of the ſaid county.

VII. Provided that no part of ſuch roads ſhall be made through the deer park of any perſon, or through any field incloſed with a wall five feet high or more, built with lime and ſtones or bricks, or through the houſe, offices, gardens, or orchards of ſix years growth of any perſon, who inhabits a houſe built with lime and ſtones or bricks, unleſs the conſent of ſuch perſon be firſt obtained: and provided it ſhall firſt appear to the grand jury and to the judge of aſſize or court of King's bench, that notice hath been given to the treaſurer of ſuch county in writing, and poſted upon the door of the county court houſe, by him or ſome perſon employed by him ſeven days at leaſt previous to the aſſizes or ſeſſions aforeſaid; which notice ſhall ſet forth, that an application is intended to be made to the grand jury of ſuch county for a preſentment to make a new road through the lands of diſtinguiſhing each town land, and the barony through which the ſaid new road is to be made: and alſo that another ſuch notice hath been left with the owner or occupier of the land, through which ſuch new road is to be made, or at the houſe of ſuch owner or occupier, at leaſt twenty one days previous to the aſſizes or ſeſſions aforeſaid; and that a map of ſuch new road hath been alſo left with the treaſurer along with ſuch notice in order that ſuch map may be inſpected by any perſon, whom it may concern: and if the owner or occupier of any part of the land through which ſuch new roads are intended to be made, or any freeholder of the county, ſhall think himſelf or herſelf aggrieved by ſuch preſentment, ſuch owner, occupier, or freeholder may enter one

or more traverſe or traverſes to ſuch preſentment; which traverſe or traverſes ſhall be tried at the next aſſizes or ſeſſions aforeſaid, unleſs good cauſe be ſhewn to the contrary; and the jury to try the ſame ſhall aſſeſs fitting damages to the owner or occupier for the loſs to be ſuſtained thereby; which verdict ſhall be concluſive to ſuch owner or occupier; and on payment of ſuch damages as ſhall be found by ſuch jury, or on the ſame being lodged with the treaſurer of the county for the uſe of ſuch owner or occupier, the overſeer or overſeers of ſuch new road may begin and finiſh the ſame without the interruption of any perſon: and that it ſhall be lawful for the grand jury of ſuch county by preſentment to raiſe the ſum ſo aſſeſſed for damages, and all ſuch ſum or ſums of money, as ſhall appear by the affidavit of two credible perſons, who can read and write, ſworn as before, to be neceſſary to fence the land on each ſide of ſuch roads, upon the county at large, or upon the barony or baronies through which ſuch new road is to be made, if they think fit.

VIII. Provided ſuch ſum for making ſuch fence or fences ſhall not exceed the ſum of twelve pence for each perch of ſuch fence.

IX. And be it further enacted by the authority aforeſaid, That from henceforth no money ſhall be raiſed by preſentment of grand juries on any entire barony for the repair of the roads thereof, where ſuch barony is ſeparated into diviſions in the county books; but that the roads in each diviſion to be repaired or amended ſhall be a particular charge by the preſentment of grand juries on that diviſion, and not on the barony at large.

X. And be it enacted by the authority aforeſaid, That the grand jury of the county and county of the city of Dublin in Eaſter or Hillary term annually are hereby impowered and required to raiſe on the county at large, in manner as directed by this act, ſuch ſum and ſums of money, as they ſhall from time to time think neceſſary for erecting and repairing foot paths with ſtiles three feet wide by the ſides of highways within ſix miles of the city of Dublin for the convenience of foot travellers; and that no horſe or other cattle ſhall be ridden or drove on ſuch foot paths, under the penalty of five ſhillings for every horſe or other beaſt that ſhall be ſo ridden or drove on ſuch foot path, to be recovered upon the oath of one or more perſon or perſons by warrant under the hand and ſeal of any juſtice of the peace of the ſaid county by diſtreſs and ſale of the horſe or other beaſt or beaſts ſo ridden or driven; which penalty ſhall be paid to the informer. And that he grand jury of any county may preſent any old road or any part thereof to be

ſtopped, where any road has been or ſhall be made, which ſhall anſwer all the purpoſes of ſuch old road, except ſuch old road concerning which ſuits are now depending either in law or equity.

XI. Provided always, that it ſhall and may be lawful for any perſon, who ſhall think himſelf or herſelf aggrieved by ſuch preſentment for ſtopping up any old road, to traverſe ſuch preſentment at the next aſſizes or at the ſecond aſſizes after, or, if in the county of Dublin, in the next term or in the ſecond term after, ſuch preſentment ſhall be made, and ſuch traverſe ſhall be tried by a jury; and in caſe ſuch preſentment ſhall not be traverſed, or, if traverſed, a verdict ſhall be found for the preſentment, ſuch preſentment ſhall be confirmed.

XII. And that it ſhall be lawful for the grand jury of any county at the aſſizes, or for the grand jury of the county of Dublin in Hillary or Trinity term, by preſentment to raiſe ſuch ſum or ſums of money, as they ſhall think fit, upon ſuch county at large for the building, rebuilding, or repairing any bridge or part of a bridge, or any wall or part of a wall, neceſſary to the ſupport of any road in ſuch county.

XIII. Provided, That no money ſhall be ſo preſented by any grand jury, unleſs it ſhall appear by the affidavit of two credible maſons, ſworn as before is mentioned, that the ſum therein ſet forth is a reaſonable charge to the beſt of their judgment; and that the work therein contained is neceſſary, and cannot be effectually done for a ſmaller ſum, according to the plan and eſtimate annexed to ſuch affidavit, to the beſt of their judgment; and that no money ſhall be paid by the treaſurer of any county on account of any ſuch preſentment, or on account of any preſentment for the widening of roads, until it ſhall appear to the grand jury, and to the judge of aſſize, or court of King's bench, by the affidavit of one of the overſeers appointed by the grand jury, ſworn before one of the judges of aſſize or court of King's bench, that the ſum ſo preſented hath been faithfully and honeſtly expended in the execution of the work, for which ſuch money was granted by ſuch preſentment, to the beſt of his ſkill and judgment; and until the ſaid account hath been allowed by the grand jury, and by the judge of aſſize, or court of King's bench; and that any two juſtices of the peace of any county in this kingdom, each having an eſtate of freehold in lands, tenements, or hereditaments of the clear yearly value of one hundred pounds at leaſt within ſuch county, may under their hands and ſeals order any ſum, not exceeding five pounds, to be expended in repairing any bridge within ſuch county, which may be ſuddenly damaged, and

which

which ought to be repaired by the ſaid county: provided it ſhall appear to them by the affidavit of two credible perſons, who live in the neighbourhood of and have viewed ſuch bridge, that the repair of ſuch bridge cannot be delayed to the next aſſizes, or to the next quarter ſeſſions if in the county of Dublin, without prejudice to the county, (as they verily believe) which affidavit the ſaid two juſtices are hereby impowered to take; and the ſaid juſtices may alſo appoint proper overſeers to repair the ſame; and the grand jury for every ſuch county are hereby impowered and required to raiſe by preſentment the ſum ſo expended in repairing any ſuch bridge, upon any ſuch county at large, to be paid to the overſeer or overſeers ſo appointed by ſuch juſtices upon his or their producing to ſuch grand jury ſuch affidavit as is before mentioned, and ſuch warrant under the hands and ſeals of the ſaid two juſtices, as alſo an affidavit ſworn by one or more of ſuch overſeers before the judge of aſſize, or court of King's bench, or before two juſtices of the peace for ſuch county, that he or they have faithfully and honeſtly expended ſum ſpecified in ſuch affidavit in repairing ſuch bridge.

XIV. And be it further enacted by the authority aforeſaid, That any juſtice of the peace, qualified as aforeſaid, upon the affidavit of two ſubſtantial houſeholders may in like manner order any ſum of money, not exceeding the ſum of forty ſhillings, to be expended in repairing any breach or bad ſtep, which may happen in any road by a ſudden fall of rain or other accident, and may appoint an overſeer to repair the ſame; and the grand juries of every county are hereby impowered and required to raiſe by preſentment upon the barony, in which ſuch road is, the ſum ſo expended on ſuch overſeers performing ſuch requiſites as the above mentioned overſeers of bridges are required to perform.

XV. Provided, That no juſtice of the peace ſhall make above one ſuch order for any road between aſſizes and aſſizes under a penalty of ten pounds, to be recovered by civil bill at the aſſizes by any perſon, who will ſue for the ſame; one moiety thereof to go to the perſon who ſhall ſue for the ſame, the other to the poor of the pariſh.

XVI. Provided always, and be it further enacted by the authority aforeſaid, That whenever it ſhall happen, that any ſum of money, preſented to be raiſed by any grand jury for the making or repairing of any road or bridge, ſhall not or cannot be expended agreeably to ſuch preſentment, and accounted for within a reaſonable time after ſuch preſentment was made, that then it ſhall and may be lawful for the grand jury of the ſaid county to preſent ſuch ſum of money, then in the treaſurer's hands, to be expended in the making or repairing of any road or

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bridge in the barony or baronies, upon which the former ſum was preſented to be raiſed, or in the county if it was raiſed upon the county at large.

XVII. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for any perſon or perſons, who now have or ſhall hereafter have any ferry over any river, to erect and ſupport a bridge at his or their own expence over ſuch river in the place of ſuch ferry, and to take and receive for paſſing ſuch bridge ſuch toll, and no more, as they are entitled to receive for paſſing ſuch ferry.

XVIII. Provided always, That nothing herein contained ſhall extend to ferries in cities or towns corporate.

XIX. And be it further enacted by the authority aforeſaid, That the grand juries of the ſeveral counties in this kingdom may at the aſſizes, or quarter ſeſſions if in the county of Dublin appoint a proper perſon or perſons to collect the money preſented to be raiſed by the grand juries of ſuch counties reſpectively, and may allow ſuch perſon or perſons any ſum not exceeding ſix pence in the pound for collecting the ſame: provided the perſon or perſons ſo appointed ſhall give ſufficent ſecurity before the judge of aſſize or King's bench for the payment of the ſaid money to the treaſurer of the ſaid county on or before the ſecond day of the next aſſizes or ſeſſions as aforeſaid; and the ſeveral conſtables are hereby required to aid and aſſiſt ſuch perſon or perſons in collecting the money ſo preſented, as alſo all perſons impowered by this act to levy publick money; which if any conſtable ſo required ſhall refuſe to do, every ſuch conſtable ſo refuſing ſhall upon conviction by the oath of two credible witneſſes before any two juſtices of the peace of the county, city, or town corporate, where ſuch offence ſhall be committed, forfeit for every ſuch offence a ſum not exceeding ten pounds to be levied, together with the charges by diſtreſs and ſale of the goods of the offender by the warrant of any two ſuch juſtices of the peace of ſuch county, city, or town corporate, where ſuch offence ſhall have been committed; one moiety of which penalty ſhall be paid to the informer or informers, and the other moiety for the poor of the pariſh in which ſuch offence ſhall have been committed: and that all perſons, impowered by this act to levy or collect publick money, ſhall, and may, and are hereby empowered by diſtreſs and ſale of the goods and chattles of all ſuch perſons, who ſhall refuſe to pay their proportion thereof, to levy the ſame, and after the ſale of ſuch diſtreſs to retain the money which the ſaid perſons ought to pay, rendering the overplus (if any) to the owner after deducting twelve pence in the pound for the trouble in levying the ſame: and that the

treaſurer of each county ſhall at every aſſizes or ſeſſions as aforeſaid demand from the clerk of the crown copies of all preſentments made at that aſſizes or ſeſſions as aforeſaid for the raiſing of money, which the ſaid clerk of the crown ſhall forthwith upon demand of ſuch treaſurer make out and give to the ſaid treaſurer ſigned by him, and certified to be true copies, without fee or reward; and if he ſhall fail or neglect to make out and give ſuch copies, ſigned and certified as aforeſaid, to ſuch treaſurer within fourteen days after ſuch demand made, he ſhall forfeit the ſum of ten pounds; which ſhall and may be recovered by any perſon, who will ſue for the ſame, by action of debt, bill, plaint, ſuit, or information in any of his Majeſty's courts of record in Dublin, in which no eſſoign, protection, privilege, or wager of law, or more than one imparlance ſhall be allowed; and the treaſurer of each county, having received ſuch copies of the preſentments ſigned and certified as aforeſaid, ſhall thereupon iſſue his orders for levying and collecting the ſeveral ſums of money preſented; which ſhall be thereupon levied and collected by the perſon or perſons ſo as aforeſaid impowered to levy and collect the ſame, and ſhall be paid on or before the ſecond day of the aſſizes, or quarter ſeſſions if in the county of Dublin, to ſuch treaſurer by the ſaid perſon or perſons, and ſhall be accounted for by ſuch treaſurer the laſt day but one of the aſſizes or ſeſſions as aforeſaid; and that if it ſhall appear to any judge upon due proof by two credible perſons upon oath at any aſſizes or ſeſſions as aforeſaid within one year after any *quere* on any preſentment, by which money was granted, has been diſcharged, that the court was deceived by any affidavit for diſcharging ſuch *quere*, and that the money was not expended agreeably to the preſentment, the judge of aſſize or court of King's bench may, notwithſtanding ſuch *quere* was diſcharged, fine or iſſue proceſs in ſuch caſe againſt the overſeer or overſeers mentioned in ſuch preſentment, as if the *quere* had not been anſwered.

XX. And that it ſhall be lawful for the overſeer or overſeers of any road, bridge, or wall, appointed by the grand jury of the county or by any turnpike board, to dig and raiſe any gravel, ſtones, ſand, or other materials, which may be wanted for the building, rebuilding, making, or repairing of any bridge, road, or wall, neceſſary to the ſupport of any road, and to make drains in order to carry off any water, that may hurt ſuch roads or bridges, in or through the lands of any perſon, not being a deer park, garden, or yard, or in the planted walk, avenue, or lawn to the manſion houſe of any perſon, and to carry away the ſaid materials; ſuch overſeer making ſuch ſatisfaction to the owner or occupier of the land, for what damage may be done thereby, as ſhall be aſſeſſed by two ſubſtantial houſeholders of the ſaid county or

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pariſh, one to be named by each of the parties, who ſhall both be ſworn by ſome neighbouring juſtice of the peace to be appraizers of ſuch damages; which appraizers ſuch juſtice is hereby impowered to ſwear to make a true eſtimate of ſuch damages to the beſt of their ſkill; and that if any perſon ſhall obſtruct or prevent ſuch overſeer in digging, raiſing, or carrying away ſuch materials or in making ſuch drains, ſuch perſon and perſons ſhall upon conviction by the oath of two credible witneſſes before any two juſtices of the peace of the county, city, or town corporate, where ſuch offence ſhall be committed, forfeit for every ſuch offence a ſum not exceeding five pounds; to be levied together with the charges by diſtreſs and ſale of the goods of the offender by the warrant of any two ſuch juſtices of the peace of ſuch county, city, or town corporate, where ſuch offence ſhall have been committed; one moiety of which penalty ſhall be paid to the informer or informers, and the other moiety for the poor of the pariſh in which ſuch offence ſhall have been committed. And the ſaid overſeer ſhall give notice to the occupier of the land adjoining to the roads to ſcour the drains or ditches, or to cut or clip the hedges by the ſides of the roads at a height not exceeding five feet, and to lop off the branches of any foreſt trees that ſhall be within ſixteen feet of the centre of any road which ſhall overhang ſuch road; which if the occupier ſhall neglect to do within ten days after the ſervice of ſuch notice, any juſtice of the peace of the county where ſuch road lies, may by warrant under his hand and ſeal order the overſeer of ſuch road to have the ſaid drains or ditches effectually ſcoured, or the hedges cut or clipped, or the branches of ſuch foreſt trees lopped, and may by ſuch warrant authorize ſuch overſeer to levy the expence thereof on the goods of ſuch occupiers, together with ſuch wages to the ſaid overſeer as the ſaid juſtice ſhall think fit, not exceeding two ſhillings for each day that the ſaid overſeer ſhall neceſſarily be employed in attending and performing ſuch work: provided that no notice ſhall be given to cut or clip any hedge, or lop the branches of any foreſt trees, but between the firſt day of September and the firſt day of June in any year.

XXI. And be it further enacted by the authority aforeſaid, That every perſon, who ſhall build any houſe or part of a houſe within twenty five feet of the centre of any road, except in cities, towns corporate, or market towns, or keep any cur dog, maſtiff, or bull dog, at any houſe within two hundred yards of any road, without having a block of wood of the weight of five pounds at leaſt faſtened to the neck of every ſuch dog, or ſhall lay any turf, dung, ſtraw, or rubbiſh, or the ſcouring of ditches or drains, or other filth, or any ſtones or timber upon any part of any road, or ſhall dig any pit or ditch, or build any wall, within fifteen feet of the centre of any

any road, or ſhall leave any cars or other carriage in the night time, from ſun ſet to ſun riſe on any part of any road, or ſhall alter any road, not being firſt authorized ſo to do by due courſe of law, or expoſe to ſale the hide of any beaſt in the ſtreets of any city or town, through which travellers uſually paſs, or ſcrape the gravel off any road, ſhall upon conviction by the oath of one credible witneſs before any juſtice of the peace of the county, where ſuch offence ſhall be committed, for every ſuch offence forfeit a ſum not exceeding ten ſhillings; to be levied by diſtreſs and ſale of the goods of the offender by the warrant of any one ſuch juſtice of the peace of the county, or city, or town corporate, in which ſuch offence ſhall be committed; and that if any perſon ſhall draw any mill ſtone on any road without ſupporting ſuch mill ſtone by a carriage on wheels, ſuch perſon ſhall upon conviction by the oath of one credible witneſs before any juſtice of the peace of the county, where ſuch offence ſhall be committed, for every ſuch offence forfeit a ſum not exceeding forty ſhillings, to be levied by diſtreſs and ſale of the goods of the offender by the warrant of any one ſuch juſtice of the peace of the county, or city, or town corporate, in which ſuch offence ſhall be committed; and that any one juſtice of the peace within his juriſdiction may upon the information of any one credible witneſs upon oath, which oath every ſuch juſtice is hereby impowered to adminiſter, by warrant under his hand and ſeal order any houſe or part of a houſe, hereafter built contrary to the intent of this act, to be pulled down; or any dog, kept contrary to the intent of this act, to be killed; or any pit or ditch to be filled up; or any wall to be thrown down, that ſhall be hereafter made or built contrary to this act; as alſo the neceſſary expences attending thereon to be levied by diſtreſs and ſale of the offenders goods and chattles; and that any perſon may take and carry away all ſuch turf, dung, ſtraw, or rubbiſh, filth, ſcouring of ditches or drains or ſtones, as he ſhall find ſo laid upon any part of any road, and apply the ſame to his own uſe; and may kill any dog that ſhall be kept contrary to this act without being ſued or proſecuted for ſo doing.

XXII. And be it further enacted by the authority aforeſaid, That the veſtries of the ſeveral pariſhes in the ſeveral cities in this kingdom except the cities of Dublin and Cork, and that the veſtries of the ſeveral pariſhes in the ſeveral towns corporate and borough towns in this kingdom, and in the market town of Lurgan in the county of Armagh, may and are hereby impowered, if they think

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think fit, to preſent and aſſeſs ſuch ſum or ſums of money, as they ſhall think neceſſary, upon the inhabitants of ſuch pariſhes reſpectively, living within the bounds of ſuch cities and towns, for the paving, gravelling, or cleanſing the ſeveral ſtreets or lanes through ſuch part of every ſuch pariſh, as is in ſuch cities and towns; or for erecting lamps to enlighten the ſtreets or lanes in ſuch cities and towns; and alſo to appoint proper perſons to applot and to levy the ſum or ſums ſo preſented by the ſaid veſtry, and to allow the ſaid perſons any ſum, not exceeding twelve pence for each pound ſo applotted and levied, for their trouble in applotting and levying the ſame; and to appoint proper perſons to be directors or overſeers for the expenditure of the money ſo preſented, who ſhall be obliged to account upon oath to the veſtry of ſuch pariſh for the ſame; and to allow the ſaid perſons any ſum not exceeding two ſhillings for each day, every ſuch director or overſeer ſhall be neceſſarily employed in directing or overſeeing ſuch work.

XXIII. Provided That no perſon ſhall have a right to vote at any ſuch veſtry, until he ſhall have firſt taken the following oath, if thereto required by any pariſhioner; which oath the miniſter of ſuch pariſh is hereby empowered to adminiſter.

I A. B. do ſwear, that I am a houſeholder of this pariſh, and that I live within the bounds of this city or town; and that I am worth one hundred pounds, over and above all the debts, I owe; and that I am not a tenant at will for the houſe I live in.

XXIV. And whereas the roads in this kingdom are very much annoyed and damaged by the narrow wheels of carrs, carts, and drays, and by the ſtreaks being ſet on ſuch wheels with ſpriggs or high headed nails: for preventing of which be it further enacted by the authority aforeſaid, That from and after the firſt day of November one thouſand ſeven hundred and ſixty ſix every owner or driver of any cart, carr, dray, or waggon, the wheels of which ſhall be of leſs breadth or gage than three inches at the leaſt from ſide to ſide at the bottom or ſole, when worn, and when the ſtreaks or iron, with which ſuch wheels are bound, ſhall be ſet on with ſpriggs or high headed nails, ſhall forfeit a penalty of the ſum of ten ſhillings, whenever any ſuch carr, cart, dray, or waggon ſhall be uſed or drawn on any road in this kingdom, which penalty ſhall be to the perſon ſeizing the ſame; for recovery whereof it ſhall be lawful

for any perſon to ſeize any ſuch carriage, as alſo any horſe or beaſt of draft in ſuch carr, cart, dray, or waggon, with all the harneſs or accoutrements thereto belonging, and with all convenient ſpeed deliver up the ſaid horſe or beaſt of draft into the cuſtody of the conſtable, pound keeper, or pariſh officer of the ſame or of the adjacent pariſh or liberty, where ſuch ſeizure ſhall be made; who are hereby required to receive and retain the ſame for the ſpace of twenty four hours, unleſs ſooner delivered by virtue of a warrant from a juſtice of the peace of the county where ſuch ſeizure ſhall be made, in manner hereafter directed.

XXV. Provided that the perſon ſo ſeizing ſuch horſe or beaſt of draft, ſhall within the ſpace of twenty four hours make oath before ſome juſtice of the peace of ſuch county who, being ſatisfied that ſuch offence has been committed, ſhall iſſue his warrant under his hand and ſeal to the conſtable, pound keeper, or pariſh officer, in whoſe cuſtody ſuch horſe or beaſt of draft is, requiring him to deliver the ſame unto the perſon named in ſuch warrant, he firſt paying to ſuch conſtable, pound keeper, or pariſh officer the ſum of one ſhilling for each horſe or beaſt of draft for his care and trouble in detaining the ſame; and upon delivery of ſuch diſtreſs to the perſon named in ſuch warrant the ſame ſhall be to the ſole uſe of the perſon or perſons ſo named in the ſaid warrant, unleſs the owner of the ſaid beaſt or beaſts at the time of ſuch ſeizure ſhall before the delivery of the ſame pay to the perſon or perſons named in ſuch warrant the ſum ten ſhillings; on payment whereof the ſaid conſtable, pound keeper, or pariſh officer ſhall deliver ſuch beaſt or beaſts with all their harneſs or accoutrements to the owner or owners of them, he or they paying the ſaid conſtable, pound keeper, or pariſh officer one ſhilling for each beaſt for his care and trouble in keeping the ſame; and that if any perſon ſhall hinder or with force obſtruct the ſeizing or carrying off any ſuch ſeizure or diſtreſs for the aforeſaid offences or any of them, or ſhall reſcue the ſame, or ſhall uſe any violence to any perſon concerned in making ſuch ſeizure or diſtreſs, every perſon ſo offending ſhall upon due proof made upon oath before any one juſtice of the peace for the county, city, or county of the city, where ſuch offence is committed, which oath ſuch juſtice is hereby impowered and required to adminiſter, forfeit for every ſuch offence the ſum of forty ſhillings to the perſon, who ſhall be ſo obſtructed in making ſuch ſeizure, or in carrying off the ſame; to be levied by diſtreſs and ſale of the offenders goods and chattles by warrant of ſuch juſtice of the peace under his hand and ſeal.

XXVI. And that the ſeveral collectors or receivers of the tolls and cuſtoms in the ſeveral cities, towns corporate, market towns, or fairs, or of the ſeveral bridges in this kingdom, for the paſſage over which tolls are paid, are hereby required and impowered to demand and levy from all perſons double the tolls or cuſtoms, they are by the laws now in force or by uſage enabled to receive, who ſhall carry any goods liable to pay any ſuch tolls or cuſtoms into or through any city, town corporate, or market town, or fairs, or over any ſuch bridge in this kingdom, upon every ſuch carr, cart, dray, or waggon, which ſhall not have the wheels thereof of the breadth or gage of three inches at the leaſt from ſide to ſide at the bottom or ſole when worn, or in caſe the ſtreaks or iron, with which the wheels thereof are bound, ſhall be ſet on with ſpriggs or high headed nails; and if it ſhall appear upon due proof made by one credible witneſs upon oath before any one juſtice of the peace for the county, city, or county of the city or town corporate, where ſuch collectors or receivers ſhall be employed to collect the tolls or cuſtoms, which oath ſuch juſtice is hereby impowered and required to adminiſter, that ſuch collector or receiver of the tolls or cuſtoms hath not obliged the owner or driver of any ſuch carr, cart, dray, or waggon to pay ſuch double tolls or cuſtoms for ſuch goods, ſuch collector or receiver knowingly ſo offending againſt this act ſhall forfeit the ſum of five pounds for every ſuch offence; to be levied by diſtreſs and ſale of his goods and chattels by the warrant of ſuch juſtice of the peace under his hand and ſeal; one moiety whereof to be for the uſe of the informer, and the other for the poor of the pariſh; and that the collectors of the tolls of the ſeveral turnpike gates in this kingdom are hereby impowered and required to oblige the owner or driver of every ſuch carr, cart, dray, or waggon to pay thirteen pence toll at each and every turnpike gate; which if ſuch gate keeper ſhall neglect to do, it ſhall be lawful for any juſtice of the peace of the county, in which ſuch turnpike gate is, by warrant under his hand and ſeal to order any ſum, not exceeding twenty ſhillings, to be levied off the goods and chattels of ſuch gate keeper for every ſuch offence, on due proof being made thereof by one credible witneſs upon oath before ſuch juſtice, which oath ſuch juſtice is hereby impowered to adminiſter.

XXVII. And be it further enacted by the authority aforeſaid, That the owner or driver of any waggon, wain, cart, or carriage with wheels, the breadth thereof being nine inches at the ſole or bottom thereof, and the ſtreaks thereof being ſet on with flat headed nails, and placed at ſuch a diſtance from each other, that the ſpace between

between the middle of the one track, made by ſuch wheels on the road, and the middle of the other track ſhall be four feet ten inches, ſhall not be obliged to pay more than ſix pence toll for any ſuch waggon, wain, cart, or carriage with four wheels, or more than three pence for any ſuch waggon, wain, cart, or carriage with two wheels, on any turnpike road in this kingdom.

XXVIII. And be it further enacted by the authority aforeſaid, That if any pariſh or pariſhes ſhall be ſo large, that one conſtable ſhall not be ſufficient to do the whole office of a conſtable within the ſaid pariſh or pariſhes, it ſhall be lawful to make and appoint two or more conſtables for ſuch pariſh or pariſhes, in ſuch manner as ſuch one conſtable was formerly appointed for the ſame; which ſaid new conſtable or conſtables ſhall have ſuch and the ſame power and authority, as any other conſtable hath, or by the laws of this realm ought to have.

XXIX. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the juſtices of his Majeſty's court of King's Bench in term time, and to and for the judges of aſſize in their ſeveral and reſpective circuits, from time to time to order one or more warrants in nature of an execution to iſſue, directed to the high ſheriff or other officer lawfully authorized within the ſeveral and reſpective counties and counties of cities and towns within the province, where any perſon was made treaſurer, overſeer, conſtable, collector, or receiver, impowering ſuch high ſheriff, or his under ſheriff, or lawful deputy, or other officer lawfully authorized, by ſale of the goods and chattels, or a ſufficient part thereof, or by or out of the rents, iſſues, and profits of the lands and tenements of any treaſurer or treaſurers, overſeer or overſeers, of roads and other publick works, high and petty conſtables, and other collectors and receivers of the publick money, who ſhall not have accounted for and paid ſuch publick money, and who ſhall be found to be in arrear for the ſame or any part thereof, to raiſe, levy, and collect ſuch ſum or ſums of money, for which they ſhall be ſo in arrear; for the collecting of which ſuch high ſheriff, or his under ſheriff, or lawful deputy, or other officer lawfully authorized, ſhall be intitled to receive one ſhilling for every pound, he ſhall ſo collect, to be levied in manner aforeſaid from ſuch perſon and perſons aforeſaid, againſt whom ſuch warrant ſhall iſſue as aforeſaid: and that it ſhall and may be lawful for every juſtice of aſſize and juſtices of oyer and terminer to enquire of and hear, and determine all and every offence, matter, and cauſe, that ſhall grow, come, or ariſe by reaſon of this ſtatute, and to aſſeſs ſuch reaſonable fines and amerciaments for the ſame, as by them ſhall be thought meet. And that it ſhall be

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lawful for the ſeveral grand juries in this kingdom to make preſentments, and for the judges to confirm the ſame, for the raiſing of ſuch ſums of money on the county at large, as ſhall be neceſſary for the building or repairing of ſeſſions houſes, or houſes of correction, and for the building, repairing or ſtrengthening of gaols, and for bolts or ſhackles, ſtocks, whipping poſts, ducking ſtools, and pillories, as ſhall be neceſſary for the ſaid ſeveral uſes and purpoſes; as alſo for conveying of any perſon or perſons accuſed of treaſon or felony to the county gaol, ſo as the ſame do not exceed ſix pence *per* mile; and alſo for the recovering of publick money in the hands of collectors and receivers thereof, their executors, adminiſtrators and ſureties.

XXX. And be it enacted by the authority aforeſaid, That it ſhall be lawful for all high and petty conſtables, or other perſons empowered by this act to levy money by the diſtreſs and ſale of any perſons goods, to deduct one ſhilling in the pound out of the money, ſo levied by ſuch diſtreſs and ſale of ſuch goods, for his trouble in diſtraining and ſelling the ſame.

XXXI. And be it further enacted by the authority aforeſaid, That if any perſon ſhall be ſued, moleſted, or troubled for putting in execution any of the powers contained in this act, or for doing any act, matter, or thing purſuant thereto, ſuch perſon ſhall and may plead the general iſſue, and give the ſpecial matter in evidence; and if the plaintiff or plaintiffs ſhall be nonſuited, and judgment given againſt him, her, or them upon demurrer or otherwiſe, or a verdict paſs for the defendant or defendants, or a diſmiſs upon a civil bill, ſuch defendant or defendants ſhall have his, her, or their treble coſts, to be recovered by ſuch method and manner as where by law coſts are given to defendants.

XXXII. And be it further enacted by the authority aforeſaid, That the ſolemn affirmation or declaration of a quaker ſhall be adjudged and taken to be of the ſame force and effect to all intents and purpoſes in any caſe, where by this act an oath is required to be taken, as if ſuch quaker had taken an oath in the form preſcribed or in the uſual form

XXXIII. And be it further enacted by the authority aforeſaid, That the laws for the repair of the highways or roads by the ſix days labour ſhall continue in full force, until ſuch time between the firſt day of July one thouſand ſeven hundred and ſixty ſix and firſt day of September one thouſand ſeven hundred and ſixty ſix as the inhabitants of the ſeveral pariſhes or unions in this kingdom ſhall have performed the ſix days labour, preſented

to be by them performed at the ſeveral veſtries held laſt Michaelmas, or at the laſt ſpring quarter ſeſſions or aſſizes. A. D. 1765.

XXXIV. And be it further enacted by the authority aforeſaid, That this act ſhall extend to counties of cities and counties of towns; and that the grand juries thereof ſhall be and are hereby empowered to preſent ſuch ſum or ſums of money, as they ſhall think proper, on the county at large of ſuch city or town, in the ſame manner, and for the ſame purpoſes, and ſubject to the ſame method of account to all intents whatſoever, and to do every other act, that the grand juries of the ſeveral counties in this kingdom are by this act enabled to do.

CHAP. XV.

An Act for continuing, reviving, and amending ſeveral temporary Statutes, and for impowering the Grand Jury of the County of Kilkenny at the Aſſizes to increaſe the yearly Salary of the Treaſurer of ſaid County.

WHEREAS the ſeveral temporary laws and ſtatutes herein after mentioned are found to be of general uſe, and fit to be continued, as the ſame or many of them are hereafter amended: be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent parliament aſſembled, and by the authority of the ſame, That an act paſſed in the thirty third year of the reign of his late Majeſty King George the ſecond, intituled, *An act for reviving and amending an act paſſed in the twenty third year of the reign of his preſent Majeſty*, intituled, *An act for amending, continuing, and making more effectual the ſeveral acts now in force in this kingdom, for the more eaſy recovery of tythes and other eccleſiaſtical dues of ſmall value, as alſo the more eaſy providing a maintenance for pariſh clerks, and building of new churches*, and which ſaid act is near expiring, ſhall and may be continued to the firſt day of May, which ſhall be in the year of our Lord one thouſand ſeven hundred and ſeventy three, and to the end of the then next ſeſſions of Parliament.

Pariſh clerks, Churches, 33 *G.* 2. 11. continued to 1 May 1773, *&c.*

II. And whereas an act paſſed in the firſt year of the reign of his preſent Majeſty King George the third, intituled, *An act for reviving, continuing, and amending ſeveral temporary ſtatutes, and for other purpoſes therein mentioned*; which act, as to ſuch part thereof as relates to colliers and miners, who abſent themſelves in breach of contract without licence or diſcharge, or for any owner of any colliery or mine, or any other

Colliers, mines, 1 *G.* 3. 17. *ſec.* 17. continued with amendments 1 May 1775, *&c.* as to colliers, miners, owners of mines.

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perſon who ſhall employ or hire any ſuch miner, maſter, or other collier, under contract as therein mentioned, was to continue and be in force to the firſt day of May one thouſand ſeven hundred and ſixty four, and to the end of the then next ſeſſion of Parliament, and no longer: and whereas the ſaid act, ſo far as relates thereto, is now near expiring, be it enacted by the authority aforeſaid, that the ſaid act, as to ſuch part thereof as relates to colliers, miners, or owners of mines, or others, as aforeſaid, with the following amendments thereto ſhall be continued and be in force to the firſt day of May, which ſhall be in the year one thouſand ſeven hundred and ſeventy five, and to the end of the then next ſeſſion of Parliament.

Colliers wages paid in ready money only,

III. And whereas it has been ſometimes the cuſtom for owners, proprietors, or occupiers of collieries or coal mines to pay the ſeveral perſons, reſpectively employed by them in working ſuch collieries or coal mines, by certain quantities of coal or other conſiderations in lieu of money; whereby ſuch owners, proprietors, or occupiers have been greatly defrauded, as well as ſuch perſons ſo employed and paid have been corrupted into the practice of frauds and other crimes, by which means the community has been conſiderably injured: for remedy whereof be it enacted by the authority aforeſaid, That in caſe any owner, proprietor, or occupier of any coal mines in this kingdom, or any perſon or perſons concerned in carrying on and working of the ſame, ſhall on or after the firſt day of June one thouſand ſeven hundred and ſixty ſix, pay any maſter collier, or other working collier, or perſon employed in the ſaid coal mines, his or their wages or other price agreed on, or any part thereof, either in large or ſmall coal or cullum by way of truck, or any other manner than in ready money, and ſhall thereof be lawfully convicted, ſhall forfeit the ſum of one hundred pounds to be paid to the informer; to be recovered in any of his Majeſty's courts of record in Ireland upon an action commenced for the ſame within three calendar months from the time of ſuch offences being committed.

Penalty 100l. to informer, ſued in 3 months.

Continued to 1ſt May 1775, &c.

IV. And be it enacted by the authority aforeſaid, That the ſaid laſt recited clauſe ſhall continue and be in force to the firſt day of May one thouſand ſeven hundred and ſeventy five, and from thence to the end of the then next ſeſſion of Parliament, and no longer.

Proteſtants. 3 G. 3. 26. *ſec.* 3 & 4. recited, giving time for conformity,

V. And whereas an act paſſed in the third year of the reign of his preſent Majeſty King George the third, intituled, *An act for confirming the titles and for quieting the poſſeſſions of proteſtants, and for giving time to converts from popery to perform the requiſites of conformity, preſcribed by the laws againſt popery,* which

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which enacts, that all ſuch perſon or perſons, as had theretofore obtained the biſhop's certificate of their conformity, and from and after obtaining the ſame had profeſſed the proteſtant religion, and had continued proteſtants, and had not performed all the other legal requiſites of conformity, and ſhould perform the ſame before the firſt day of December in the year one thouſand ſeven hundred and ſixty five, ſhould from the time of his, her, or their conformity from the popiſh to the proteſtant religion be deemed and taken to be proteſtants of the eſtabliſhed church to all intents and purpoſes: in the ſaid act there is a proviſo, that nothing therein contained ſhould bar, defeat, or prejudice any judgment or decree theretofore obtained by any perſon or perſons whatſoever in any court of law or equity, or any ſuit now depending, grounded upon the popery laws, which have been duly proceeded upon: and whereas the time for performing the ſaid requiſites is now expired: be it therefore enacted by the authority aforeſaid, That all ſuch perſon and perſons, as have heretofore obtained the biſhop's certificate of their conformity, and from and after obtaining the ſame have profeſſed the proteſtant religion, and have continued proteſtants, and have not performed all the other legal requiſites of conformity, and ſhall perform the ſame before the firſt day of December one thouſand ſeven hundred and ſixty ſeven, ſhall from the time of his, her, or their conformity from the popiſh to the proteſtant religion be deemed and taken to be proteſtants of the eſtabliſhed church to all intents and purpoſes.

profeſſing and continuing Proteſtants after biſhop's certificate if all other legal requiſites performed before 1ſt Dec. 1767, deemed Proteſtants from time of conformity, enlarged to 1 Dec. 1768 by 7 *G.* 3. 20. *ſec.* 7.

VI. Provided always, That nothing herein contained ſhall bar, defeat, or prejudice any judgment or decree, heretofore obtained by any perſon or perſons whatſoever in any court of law or equity, or any ſuit now depending, grounded on the popery laws which have been duly proceeded upon.

Saving former decrees and ſuits pending.

VII. And whereas an act paſſed in the tenth year of the reign of his late Majeſty King George the firſt, intituled, *An act for continuing and amending of the laws in relation to butter and tallow, and the caſks in which ſaid goods are to be made up, and in relation to the curing of hides, and making up beef and pork for exportation, and for the preventing the deſtruction of ſalmon*; which ſaid act was explained and amended by another act, made in the twelfth of his late Majeſty's reign, intituled, *An act for explaining and amending an act*, intituled, *An act for continuing and amending of the laws in relation to butter and tallow, and the caſks in which ſuch goods are to be made up, and in relation to the curing of hides, and making up of beef and pork for exportation, and for preventing the deſtruction of ſalmon*; which ſaid acts have been amended and further continued by ſeveral acts to the

Butter, Tallow, Hides, Beef, Pork, 10 *G.* 1. 9. amended by 12 *G.* 1. 5. and both by ſeveral acts continued, and by 21 *G.* 2. 7. *ſec.* 9. to 29 Sep. 1769. the laſt act as to butter, tallow, and the caſks, as to hides, beef, and pork, continued with amendments to 29 Sept. 1791, *&c.*

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end of the ſeſſion of Parliament in the twenty firſt year of the reign of his late Majeſty King George the ſecond; and by an act made in this kingdom in the twenty firſt year of his ſaid late Majeſty's reign, intituled, *An act for reviving, continuing, and amending ſeveral temporary ſtatutes*, the ſaid acts have been amended and further continued to the twenty ninth day of September, which will be in the year of our Lord one thouſand ſeven hundred and ſixty nine, and from thence to the end of the then next ſeſſion of Parliament, and no longer; which ſaid laſt recited act made in the twenty firſt year of the reign of his late Majeſty King George the ſecond, ſo far as it relates to the continuing and amending the ſaid laws in relation to butter and tallow, and the caſks in which ſuch goods are to be made up, and for the curing of hides, and making up beef and pork for exportation, is found by experience to be extremely uſeful, and therefore fit to be continued with ſuch alterations and amendments, as by this act are made therein: be it therefore enacted by the authority aforeſaid, That the ſaid laſt recited act, ſo far as it relates to the continuing and amending the ſaid laws in relation to butter and tallow, and the caſks in which ſuch goods are to be made up, and for the curing of hides, and making up beef and pork for exportation, with the ſeveral alterations and amendments herein after contained, ſhall be and the ſame is hereby further continued until the twenty ninth day of September, which will be in the year of our Lord one thouſand ſeven hundred and ninety one, and from thence to the end of the then next ſeſſion of Parliament, and no longer.

Weighmaſters in Cork appointed inſtead of the preſent, with like fees, rules, and penalties as by ſaid acts,

VIII. And to the end that the ſeveral rules, regulations, orders, and directions, in this and the ſaid laſt recited acts mentioned and contained, may be ſtrictly obſerved and faithfully and truly executed in the city of Cork, which is a place of great export, be it enacted by the authority aforeſaid, That from and after the end of the next ſeſſion of Parliament after the twenty ninth day of September one thouſand ſeven hundred and ſixty nine Joſeph Hoare eſquire, Henry Sheares eſquire, and Edward Hoare the younger, eſquire, and the ſurvivors and ſurvivor of them, may be appointed weigh maſter and weigh maſters of the ſaid city of Cork in the place and ſtead of the preſent weigh maſters thereof with the ſame and the like fees payable and in the ſame manner recoverable for the trouble, charges, and expences, which they ſhall be at in the execution of the ſaid offices, and ſubject to the like removal for miſbehaviour, with liberty of appeal, and to the ſame conditions, rules,

regulations, orders, directions, under the ſame penalties, as the preſent weigh maſters of the ſaid city of Cork were and are now liable to by the ſaid laſt mentioned acts; which ſaid offices ſhall from and after the end of the next ſeſſion of Parliament after the twenty ninth day of September one thouſand ſeven hundred and ſixty nine, be executed by the ſaid Joſeph Hoare, Henry Sheares, and Edward Hoare, or by the ſurvivors or ſurvivor of them, his or their deputy or deputies, to be by him or them nominated or appointed, during the good behaviour of the ſaid Joſeph Hoare, Henry Sheares, and Edward Hoare.

from end of ſeſſion after 29 Sept. 1769, during good behaviour, by them, or deputies.

IX. Be it enacted by the authority aforeſaid, That the mayor, ſheriffs, and common council of the city of Cork, in the abſence of the weigh maſter or weigh maſters for the time being, from the ſaid city, ſhall and may upon full proof of the miſbehaviour of any deputy or deputies, now appointed, or that ſhall hereafter be appointed by ſuch weigh maſter or weigh maſters, either upon full hearing of him or them, or upon his or their being duly ſummoned, and neglecting to appear, by writing under their reſpective hands and ſeals, remove ſuch deputy or deputies from his or their office or offices, and nominate and appoint another or others to act in his or their ſtead, during the abſence of ſuch weigh maſter or weigh maſters from the ſaid city.

In abſence of weigh-maſters, the mayor, ſheriffs, and council of Cork may remove deputies, and appoint others, on miſbehaviour, or not appearing.

X. And be it enacted by the authority aforeſaid, That the deputy weigh maſters of the city of Cork ſhall be hereby directed and required to receive all ſuch penalties and forfeitures, as by the ſaid laſt recited acts, or any of them, are to go to the governors of the workhouſe of the ſaid city, and to account quarterly on oath with the court of aſſiſtants of the ſaid workhouſe for the ſaid penalties and forfeitures received by them reſpectively, deducting five pounds out of every hundred pounds ſo received, as a recompence for their trouble.

Deputies to receive ſuch forfeitures, as go to workhouſe, and account quarterly on oath with aſſiſtants.

XI. And whereas by an act made in the firſt year of his preſent Majeſty's reign, intituled, *An act for reviving, continuing, and amending ſeveral temporary ſtatutes, and for other purpoſes therein mentioned*, the ſeveral proviſions made by an act paſſed the preceding ſeſſion, intituled, *An act for the more effectual enlightening the city of Dublin, and the liberties thereof, and for the erecting of publick lights in other cities, towns corporate, and market towns in this kingdom*, were extended to ſeveral cities and towns corporate, to which, there was ſome doubt, whether the ſaid laſt recited act extended: and whereas it has been found, that the ſaid proviſions have not fully anſwered the good purpoſes thereby intended: be it enacted by the authority aforeſaid, That in every city, for the lighting of which no particular proviſion is made by any act of parliament now in force, the ſeveral and reſpective pariſhes in ſuch cities, ſhall at their

Their fees 5l. *per* 100l.

Lights. 1 G. 3. 17. ſ. 20.

33 G. 2. 18. 21 years from 24 June 1785, by 25 G. 3. c. 54. ſ. 3. with alterations.

in cities, where no particular proviſion by any act, the pariſhes in veſtry, called

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their reſpective veſtries, which the miniſters of the reſpective pariſhes, or their curates, are hereby required to call on the firſt day of June one thouſand ſeven hundred and ſixty ſix, and afterwards on the Monday next enſuing the twenty fifth day of March in every year, determine the ſize, ſort, form, and number of lamps to be erected, and in what ſtreets or places, and in what manner, and at what diſtances the ſame ſhall be ſet up, and in what nights, and for what hours, the ſame ſhall be lighted and kept burning; and ſhall make an eſtimate of the expences thereof; and ſhall make ſuch contracts for the erecting, lighting, and repairing ſuch lamps, as they ſhall judge moſt expedient for the publick ſervice; and every inhabitant in ſuch city, being the head of a family, and paying five pounds yearly rent, or upwards, or being the occupier of a houſe within ſuch city, of ſuch yearly value as aforeſaid, ſhall be intitled to vote in the veſtry of that pariſh, within which he reſides; and that ſuch veſtries, the better to enable them to carry this act into execution, ſhall have power to adjourn from time to time for the ſpace of ten days, and no more, from the firſt day of their ſaid reſpective meetings inclusive.

Monday after 25 March yearly, ſhall determine the ſize, ſort, and number of lamps, places, and manner of burning, expences, and contracts,

every head of a family or occupier of a houſe at 5l. yearly, to vote in veſtry,

veſtries may adjourn for 10 days.

Repealed by 13 & 14 *G.* 3. *c.* 20. *ſec.* 5.

XII. And to the end that the expences of erecting, lighting, and maintaining ſuch lamps may be equally born by the inhabitants of ſuch cities, be it enacted by the authority aforeſaid, That the occupiers of all ſuch houſes, as are already rated for miniſters money, ſhall be rateably charged in proportion to the miniſters money payable for their ſaid houſes; and that the ſaid ſeveral and reſpective pariſhes ſhall at their ſaid reſpective veſtries appoint four perſons, who ſhall upon oath, to be adminiſtred to them by the reſpective miniſters or curates, value and eſtimate the yearly value of all ſuch houſes, as are not rated for miniſters money in the ſaid reſpective pariſhes, and who ſhall return the ſame to the ſaid reſpective veſtries, who ſhall confirm or alter the ſame in ſuch manner, as ſhall be agreeable to juſtice.

Occupiers charged rateably,

XIII. Be it enacted by the authority aforeſaid, That all and every the occupiers of all ſuch houſes ſhall be rateably charged in proportion to the miniſters money, and ſuch valuation, with the yearly ſum to be paid by him, her, or them, towards the expence of erecting, lighting, and maintaining ſuch lamps, and ſhall pay the ſame yearly to the perſons appointed to collect the ſame, as hereinafter is mentioned; and after refuſal or neglect to pay the ſame after reaſonable demand thereof, ſuch collector or collectors is and are hereby empowered to levy the ſame by diſtreſs and ſale of the goods of ſuch occupier ſo refuſing, and alſo one ſhilling for the expence of ſuch diſtreſs.

and pay to collectors,

on nonpayment after demand, diſtreſs and ſale, and 1s. coſt.

2 inhabitants choſen yearly at veſtry, to

XIV. And be it enacted by the authority aforeſaid, That the ſaid ſeveral and reſpective pariſhes ſhall at their reſpective veſtries,

veſtries, ſo held as aforeſaid, yearly chuſe two ſubſtantial honeſt and diſcreet inhabitants of their ſaid reſpective pariſhes to collect the money ſo aſſeſſed upon the inhabitants of the ſaid reſpective pariſhes, and to overſee and direct the erecting, lighting, and maintaining the ſaid lamps in the ſaid reſpective pariſhes, and to allow ſuch perſons as a reward for their trouble and expence about the ſame, ſuch ſum as ſuch veſtries ſhall think reaſonable; provided, that ſuch ſums do not exceed in the whole the ſum of ſix pence in the pound of ſuch ſums, as they ſhall ſo collect.

collect, overſee and, direct,

with allowance not above 6d. per £.

XV. Provided always, That the perſons ſo choſen, ſhall, before they ſhall enter upon their reſpective offices, give ſufficient ſecurity to the reſpective miniſters of ſuch pariſhes, for the due execution of their ſaid reſpective offices, and to account duly for ſuch ſums as they ſhall ſo collect.

And giving ſecurity,

XVI. Provided always, That if the miniſter or curate of any of the ſaid pariſhes ſhall refuſe or neglect to call and hold veſtries for the purpoſes herein before mentioned at the reſpective times herein before mentioned, ſuch miniſter or his curate ſhall, upon complaint made thereof to any one of the next going judges of aſſize, and proof upon oath of ſuch refuſal or neglect, ſuch miniſter or curate ſhall be fined for every ſuch refuſal or neglect, in any ſum ſuch judge ſhall think proper, not exceeding the ſum of one hundred pounds.

Miniſter not calling veſtry fined by next judge of aſſize not above 100l.

XVII. And for preventing the laying of dung, dirt, or other filth in the publick ſtreets and lanes of cities or county towns, and for the more effectual cleanſing and keeping the ſame clean, be it enacted by the authority aforeſaid, That no perſon or perſons whatſoever ſhall lay down, and ſuffer to remain above twenty four hours, any dung, dirt, or other filth, in any ſtreet or lane in any city or county town, before his, her, or their dwelling houſe or houſes, ſtables, buildings, or walls, or before the dwelling houſe, ſtables, buildings, or walls of any other perſon, or before the walls of churches, church yards, or other bublick buildings; and if any perſon ſhall be convicted of any of the ſaid offences before the mayor, or other magiſtrate of ſuch city or county town, where ſuch offence is committed, by the oath of one or more credible witneſs or witneſſes, every ſuch offender ſhall for every ſuch offence forfeit the ſum of five ſhillings, to be levied by diſtreſs and ſale of the offenders goods, by warrant under the hand and ſeal of the mayor, or other magiſtrate of ſuch city or county town, before whom ſuch offender ſhall be ſo convicted.

Nuiſances.

Laying and leaving 24 hours dung or filth before any bulldings or walls in city or county town,

Penalty 5s.

XVIII. Be it enacted by the authority aforeſaid, That every inhabitant in every city or county town, ſhall before nine of the clock in the morning of every day (except Sunday) ſweep and cleanſe, or cauſe to be ſwept and cleanſed, before their reſpec-

Inhabitants in city or county town before 9 daily, ſave Sunday, to ſweep be-

tive houſes, buildings, and walls in the ſtreets of the ſaid cities or county towns, and in ſuch lanes as carriages can paſs through, to the end that the dirt may be ready to be carried away by the reſpective ſcavengers, upon pain to forfeit for every ſuch offence the ſum of one ſhilling; the ſaid offence to be heard and determined, and the ſaid penalty to be levied in the manner herein before mentioned; and the ſcavengers in the ſaid cities and county towns, ſhall, three days in every week, to be appointed by the reſpective mayors in the ſaid cities, and magiſtrates of county towns, carry away all the dirt and filth out of all and every the ſtreets and lanes through which carriages can paſs, in the ſaid cities and county towns, upon pain of forfeiting the ſum of ten ſhillings for every neglect; the ſaid forfeiture to be heard and determined, and the penalty levied in the manner herein before mentioned.

fore their buildings and walls, penalty 1s.

Scavengers to carry away 3 days weekly as appointed by magiſtrates, penalty 10s.

XIX. And be it enacted by the authority aforeſaid, That the ſaid ſeveral penalties, after deducting the expences of levying the ſame, ſhall be applied by the reſpective magiſtrates, before whom the ſame ſhall be recovered, for the uſe of the priſoners for debt in the reſpective gaols of the ſaid cities and county towns.

Said penalties, deducting expences, to debtors.

XX. And be it enacted by the authority aforeſaid, That it ſhall be lawful for any perſon or perſons to carry away and apply to his and their own uſe any dung or dirt, which ſhall lie in any ſtreet or lane in any city or market town; and in caſe any ſuit or action ſhall be commenced againſt any perſon or perſons, for what he or they ſhall do in purſuance of this act, the defendant or defendants in ſuch action, ſhall plead the general iſſue, and give the ſpecial matter in evidence; and if a verdict ſhall be given for the defendant or defendants, or if the plaintiff ſhall be nonſuit, the defendant or defendants ſhall have and recover his or their treble coſts.

Dung, &c. in ſaid ſtreets taken by any one to his uſe.

defendants may plead general iſſue, &c.

treble coſts on verdict or nonſuit.

XXI. Provided always, That nothing herein contained, ſhall extend to the city of Dublin.

Dublin excepted.

XXII. And be it enacted by the authority aforeſaid, That the ſaid ſeveral proviſions for lighting and cleanſing ſuch cities, ſhall be and continue in force for the ſpace of ſeven years from the firſt day of May one thouſand ſeven hundred and ſixty ſix, and from thence to the end of the then next ſeſſion of Parliament.

As to lighting and cleanſing cities, continued 7 years, &c. from 1 May 1766.

ſect. 22, 23, 24, 25, 26, continued to 1787, by 19 & 20 *G.* 3. c. 14. ſ. 10. and to 1806 by 25 *G.* 3. c. 54. ſ. 2.

Coa's.

1 *G.* 3. 10.
3 *G.* 3. 27.
both extended to Cork, with the powers to magiſtrates, &c. there.

XXIII. And whereas an act paſſed in the firſt year of his Majeſty's reign, intitled, *An act to prevent the exceſſive price of coals in the city of Dublin*; as alſo an act paſſed in the third year of his Majeſty's reign, intituled, *An act to amend and continue the ſaid act*, have been found to be of uſe: and whereas the city of Cork is very populous, and contains a great number of manufacturers, who are often greatly diſtreſſed by the

exceſſive

exceſſive price of coals in the ſaid city: be it enacted by the authority aforeſaid, That the ſaid recited acts, and all and every clauſe and clauſes therein contained ſhall extend to the city of Cork as fully to all intents and purpoſes, as if the ſaid city was expreſsly mentioned in the ſaid act; ſave only that all acts directed to be done, and all powers given by the ſaid acts or either of them to the lord mayor or recorder of the city of Dublin, ſhall be exerciſed by the mayor or recorder of the ſaid city of Cork for the time being; and all powers, given by the ſaid acts or either of them to the lord mayor, ſheriffs, and recorder of the city of Dublin ſhall be exerciſed in the city of Cork by the mayor, ſheriffs, and recorder of the ſaid city; and that all acts directed to be done, and all powers given by the ſaid acts or either of them to the lord mayor and board of aldermen, ſhall in the city of Cork be exerciſed by the mayor and common council of the city of Cork; and that the power of making bye laws, given by the ſaid act to the lord mayor, recorder, and board of aldermen, ſhall in the city of Cork be veſted in the mayor, recorder, and common council of the ſaid city; and ſave alſo that the civil bills, directed by the ſaid acts or either of them to be brought before the recorder of the city of Dublin, ſhall in the city of Cork be brought before the going judges of aſſize for the county of the ſaid city.

Not above 3000l. advanced by deputy vice treaſurer, director's ſecurity 3000l.

XXIV. Provided always, That the ſum to be advanced by the deputy vice treaſurer, over and above the ſum that ſhall be paid into him by the director of the publick coal yard for the city of Cork, ſhall not at any time exceed three thouſand pounds; and that the ſecurity to be given by the ſaid director ſhall be in the penalty of three thouſand pounds, and no more.

Mayor to act as comptroller without expence to public.

XXV. Provided always, and be it enacted by the authority aforeſaid, That the office of comptroller ſhall be exerciſed by the mayor of the city of Cork for the time being without any expence to the publick.

Buying or ſelling ſaid offices, diſabled, and 100l. penalty to proſecutor, ſuch bargain, &c. void.

XXVI. And be it enacted by the authority aforeſaid, That if any perſon ſhall buy or ſell any of the offices in the ſaid act mentioned or any part of them, or ſhall bargain or agree to have any money or profit for any of the ſaid offices or any part of the ſame, or to the intent that any perſon ſhould have any of the ſaid offices or any part of the ſame, any perſon, who ſhall ſo buy or ſell, bargain or agree as aforeſaid, or who ſhall give any promiſe or aſſurance of money or of any other conſideration for any of the ſaid offices, and ſhall be convicted upon an action, indictment, or information for ſuch offence, ſhall from the time of ſuch conviction be adjudged a diſabled perſon to hold ſuch office, and ſhall forfeit the ſum of one hundred

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pounds to ſuch perſon, who ſhall firſt ſue or proſecute for the ſame with effect; and all ſuch bargains, agreements, and aſſurances ſhall be null and void to all intents and purpoſes whatſoever.

Judgments. 3 G. 2. 7. continued 11 years, &c. from 25 March 1766.

XXVII. And whereas an act paſſed in the third year of the reign of his late Majeſty, intitled, *an act for the better diſcovery of judgments in the courts of King's bench, common pleas, and exchequer at Dublin, and for the greater ſecurity of purchaſers*; which ſaid act has been continued by ſeveral acts of Parliament, but is near expiring, and is thought fit to be continued: be it therefore enacted by the authority aforeſaid, that the ſaid act, and all and every clauſe therein contained, ſhall be continued and be in force for the term of eleven years to be computed from the twenty fifth day of March one thouſand ſeven hundred and ſixty ſix, and from thence to the end of the then next ſeſſion of Parliament, and no longer.

Game. 3 G. 3. 23. continued to 1 May 1768, &c. *and to 1 May* 1770, *&c. by* 7 G. 3. 20. ſec. 2.

XXVIII. And whereas an act paſſed in this kingdom in the third year of his preſent Majeſty, intitled, *An act for the better preſervation of the game*, ſo far as it relates to the killing of game, and expoſing the ſame to ſale at improper ſeaſons of the year, is found to be uſeful, and fit to be continued: be it enacted by the authority aforeſaid, That all and every the clauſes in the ſaid act contained, which prohibit the taking and killing of game at certain ſeaſons of the year, and expoſing the ſame to ſale, and all the penalties and proviſions relative thereunto, which by the ſaid act are made and provided, may and ſhall be continued in force until the firſt day of May one thouſand ſeven hundred and ſixty eight, and to the end of the then next ſeſſion of Parliament, and no longer.

Kilkenny. For treaſurer of the county grand jury impowered to preſent 40l. a year more.

XXIX. And whereas it is expedient, that the grand jury of the county of Kilkenny ſhall have power to preſent a greater yearly ſum for the treaſurer of the ſaid county, than they by the laws now in force are impowered to do, the ſaid county requiring from its ſituation and circumſtances large ſums to be raiſed for the repair of roads and other publick purpoſes, and requiring a treaſurer very converſant in accounts, and who can give ſecurity for ſuch large ſums, as are neceſſary to be raiſed in that county: be it enacted by the authority aforeſaid, That from and after the firſt day of May one thouſand ſeven hundred and ſixty ſix the grand jury at the aſſizes to be held for the ſaid county from time to time ſhall have power, if they think fit, to make preſentments in the uſual manner for the raiſing any ſum, not exceeding forty pounds a year, for the treaſurer of the ſaid county for the time being, over and above the ſum which the grand jury of the ſaid county is impowered by the laws now

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now in force to preſent for ſuch treaſurer; and the judges at ſuch aſſizes ſhall and may confirm the ſaid preſentment.

Militia. 2 G. 1. 9. continued 10 years, &c. from 25 Mar. 1766.

XXX. And be it enacted by the authority aforeſaid, That an act paſſed in the ſecond year of his Majeſty King George the firſt's reign, intituled, *An act to make the militia of this kingdom more uſeful*, and which ſaid act has been continued by ſeveral acts of Parliament, but is now near expiring, ſhall and may be further continued for ten years from the twenty fifth of March one thouſand ſeven hundred and ſixty ſix, and from thence to the end of the then next ſeſſion of Parliament, and no longer.

Seamen. 5 G. 2. 13. continued 10 years from 25 March 1766.

XXXI. And be it enacted by the authority aforeſaid, That an act, paſſed in the fifth year of his late Majeſty King George the ſecond's reign, intitled, *An act for the better regulation and government of ſeamen in merchants ſervice*, which act has been revived and continued by an act made in the firſt year of his preſent Majeſty's reign, but is now near expiring, ſhall and may be further continued for ten years from the twenty fifth of March one thouſand ſeven hundred and ſixty ſix, and from thence to the end of the then next ſeſſion of Parliament, and no longer.

HARVARD LAW SCHOOL LIBRARY

Servants wages, coal owners, and mutual debts, 25 G. 2. 8. perpetual.

XXXII. And be it further enacted by the authority aforeſaid, That an act paſſed in the twenty fifth year of his late Majeſty King George the ſecond's reign, *for the better adjuſting and more eaſy recovery of the wages of certain ſervants, and certain apprentices, and for the puniſhment of ſuch owners of coals and their agents, as ſhall knowingly employ and ſet at work perſons retained in the ſervice of other owners, and alſo that mutual debts between party and party be ſet one againſt the other*, which ſaid act has been continued with ſeveral amendments by ſeveral acts of Parliament, ſhall be and is hereby made perpetual.

CHAP. XVI.

An Act for continuing and amending ſeveral Laws relating to his Majeſty's Revenue, and for the more effectual preventing of Frauds therein, and for other Purpoſes therein mentioned.

Retailers.

WHEREAS the ſeveral laws heretofore made to prevent frauds in his Majeſty's revenue of cuſtoms and exciſe, have proved ineffectual to anſwer the purpoſes thereby intended, by reaſon of many ſecret and clandeſtine practices made uſe of to evade or elude the ſame: and whereas ſome doubts have been made concerning perſons, who are or ſhould be deemed retailers of ſpirituous liquors, malt liquors, tobacco, and tea: be it therefore declared and enacted by the King's moſt excel-

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lent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the twenty fourth day of June one thouſand ſeven hundred and ſixty ſix all and every perſon and perſons, who ſhall ſell any ſpirituous liquors in any quantity under one gallon, any malt liquors under the quantity of ten gallons, any tobacco under the quantity of twenty pounds weight, or any tea under the quantity of two pounds weight, ſhall to all intents and purpoſes be deemed and taken to be a retailer or retailers of the ſaid commodities reſpectively, and be ſubject to all and every of the laws and rules now in force with reſpect to retailers of ſuch commodities.

Selling ſpirituous liquors under 1 gallon, malt under 10, tobacco under 20lb. tea 2 lb. deemed retailers,

II. And be it further enacted by the authority aforeſaid, That from and after the ſaid twenty fourth day of June one thouſand ſeven hundred and ſixty ſix no perſon or perſons ſhall harbour, keep, or conceal, nor ſhall knowingly permit or ſuffer to be harboured, kept, or concealed, nor ſhall give any aid, aſſiſtance, or reward to any perſon or perſons to harbour, keep, or conceal in any houſe, outhouſe, turf ſtack, hay rick, or other place or places whatſoever any beer, ale, ſpirits, or ſtrong waters, low wines, ſinglings, waſh, or pot ale, which ſhall have been unlawfully brewed, made, or diſtilled, and whereof the duties due and payable thereupon ſhall not have been paid or ſecured according to law; and if any perſon or perſons ſhall offend in the premiſſes, then and in the ſeveral and reſpective caſes aforeſaid the perſon or perſons, who ſhall harbour, keep, or conceal in any place or places whatſoever any ſuch beer, ale, ſtrong waters, low wines, ſinglings, waſh, or pot ale as aforeſaid from the ſight or view of the officer or officers appointed to view, gauge, or take an account of the ſame, ſhall over and above the forfeiture of all ſuch beer, ale, ſtrong waters, low wines, ſinglings, waſh, or pot ale, and all other penalties, likewiſe forfeit the ſum of five pounds; and the perſon and perſons, who ſhall knowingly permit or ſuffer the goods or commodities aforeſaid or any of them to be harboured, kept, or concealed in any place whatſoever in his, her, or their poſſeſſion or occupation, and the perſon or perſons likewiſe who ſhall give any aid, aſſiſtance, or reward in or for the harbouring, keeping, or concealing from the view or ſight of the officer or officers, appointed to gauge and take an account of the ſame, any of the goods and commodities aforeſaid, ſhall in each and every the caſes aforeſaid reſpectively forfeit the ſum of three pounds.

Concealing from officers liquors unlawfully brewed or diſtilled, duties not paid, penalty 5l. beſides forfeiture thereof,

permitting and aſſiſting ſuch concealment, 3l.

Notice in writing to collector by brewer or distiller with his name and place of trade,

III. And be it further enacted by the authority aforesaid, that from and after the said twenty fourth day of June one thousand seven hundred and sixty six no person or persons whatsoever shall brew, make, or distil any malt or spirituous liquors for sale in any part or place in this kingdom, until he, she, or they give notice in writing under his, her, or their hand or hands to the collector of excise for the district, in which such brewer or distiller intends to carry on the trade of brewing or distilling, containing the real christian and surname of such brewer or distiller, and the place where such brewer or distiller does intend to carry on the brewing or distilling trade; and if any person or persons shall after the said twenty fourth day of June one thousand seven hundred and sixty six brew, or make, or distil any malt or spirituous liquors for sale without giving such notice as aforesaid, or shall carry on the said brewing or distilling trade in any other than his, her, or their own name or names, or in the name of any person or persons save the person or persons who is or are really interested in such brewery or distilling, and for whose benefit and advantage the same is carried on, then and in every such case the person or persons so offending shall forfeit the sum of fifty pounds.

penalty if without notice, or in another's name, 50l.

Brewer keeping fire under vessels between 6 on Saturday and 6 Sunday afternoon, distiller between 6 Saturday and 4 Monday morning, in lieu of former penalties forfeit 50l. every time.

IV. And be it further enacted by the authority aforesaid, that every common brewer of beer and ale, who shall have or keep, or permit or suffer to be kept, any fire under his, her, or their copper or coppers, pan or pans, or other brewing vessels or utensils, between the hour of six of the clock in the afternoon on any Saturday and the hour of six of the clock in the afternoon on any Sunday, and every distiller or maker of low wines, spirits, *aquavitæ*, or strong waters for sale, who shall have or keep, or permit or suffer to be kept, any fire for setting his, her, or their still or stills at work for the distilling or making any of the liquors aforesaid between the hour of six of the clock in the afternoon on any Saturday and the hour of four of the clock in the morning on any Monday, every such brewer and distiller shall respectively forfeit in lieu of all former penalties the sum of fifty pounds for every time he, she, or they shall have or permit any fire to be kept in his, her, or their brewing house or distilling house respectively within the respective times herein before mentioned.

To furnish on demand officers with lights after sunset,

V. And be it further enacted by the authority aforesaid, that every common brewer of beer and ale, and every common distiller or maker of low wines, spirits, *aquavitæ*, or strong waters for sale within this kingdom shall on every visit made by any officer or officers of excise after sunset in the evening and before sunrise in the

morning at the reſpective brewhouſes and ſtillhouſes of ſuch brewer or diſtiller furniſh and ſupply ſuch officer and officers, on demand made by him or them, with lights ſufficient to enable ſuch officer or officers to ſearch, ſurvey, and examine the ſtock of beer, ale, ſpirits, *aquavitæ*, and ſtrong waters then on hand, belonging to ſuch brewers and diſtillers reſpectively, under the penalty of forfeiting the ſum of five pounds for every time ſuch brewer or diſtiller ſhall neglect or refuſe on demand made as aforeſaid, to ſupply ſuch lights, as herein before is directed.

penalty 5l.

Permits.

VI. And whereas it has frequently happened, that permits or let paſſes have been taken out of the proper office for granting permits or let paſſes for goods and commodities, that have been fairly and regularly entered, and the duties for the ſame duly paid; nevertheleſs the ſeveral goods and commodities mentioned and contained in ſuch permit or let paſs, or any part thereof, have not been ſent or conveyed from the port or place, where the ſame have been entered, to any other port or place within this kingdom, under the cover and authority of ſuch permit; but the ſaid permit or let paſs, ſo taken out as aforeſaid, has been ſent to ſome diſtant part in this kingdom without any of the goods and commodities mentioned or contained in ſuch permit or let paſs; and afterwards with a fraudulent intent to cover other goods of the ſame denomination and kind, which have been clandeſtinely and illegally landed in this kingdom, application has been made to the collector or other officer of exciſe within the diſtrict, wherein ſuch goods and commodities were pretended to have been ſent, for a new permit or let paſs, upon an allegation that the goods and commodities, ſuppoſed to have been ſent with the ſaid former permit, were ordered to be returned for want of buyers, or for ſome other reaſon, and a new permit having been taken out, grounded on the ſaid former permit, ſeveral goods and commodities of the ſame denomination and kind, that have been illegally landed in this kingdom, have under colour of ſuch ſecond permit been ſent from one place to another without diſcovery of the fraud to the great detriment of his Majeſty's revenue and the fair trader: for remedy whereof be it further enacted by the authority aforeſaid, that from and after the ſaid twenty fourth day of June one thouſand ſeven hundred and ſixty ſix in all caſes, where by law permits or let paſſes for carrying exciſeable goods from one part of this kingdom to another is required, and ſuch permits or let paſſes ſhall be iſſued or taken out, the owner or other perſon or perſons to whom ſuch exciſeable goods and commodities ſhall be ſold, conſigned to, or ſent, ſhall immediately after the arrival of ſuch goods and commodities in the port or place, to

Abuſes thereof,

notice in writing by owner of exciſeable goods of their arrival to ſurveyor or gauger,

to which they ſhall have been ſent or directed, give notice in writing to the ſurveyor of exciſe, or in his abſence to the gauger or gaugers of ſuch port or place, of the arrival of ſuch goods and commodities, who are hereby reſpectively required and directed without delay to repair to the place, where ſuch goods and commodities ſhall then be, and ſhall then and there carefully examine the ſaid goods and commodities with the contents of the ſaid permit, and ſhall take the ſaid permit ſent with the ſaid goods from the owner, or other perſon having charge of the ſame, and ſhall upon affidavit made by the perſon or perſons, to whom ſuch goods or commodities ſhall be ſo ſent (which affidavit ſuch ſurveyor, gauger or gaugers, are hereby reſpectively authorized to take) that the ſeveral goods and commodities, mentioned and contained in ſuch permit, were really and truly brought from the port or place mentioned in ſuch permit by virtue and in purſuance thereof, thereupon without fee or reward give to the ſaid owner, or perſon having charge of the ſaid goods, a certificate in writing under his hand, containing a true and particular account of all the goods and commodities, that he ſhall have ſo viewed and examined; which certificate, ſo made and ſigned as aforeſaid, ſhall be deemed, taken, and allowed to be of equal authenticity with the original permit for the purpoſe of proving the duties paid, and for all other purpoſes whatſoever, except only for the purpoſe of carrying or conveying the ſaid goods and commodities from the place, where they ſhall have been firſt ſent, to any other port or place; and that the merchant, owner, or other perſon having charge of the ſaid goods and commodities, ſhall upon every ſubſequent removal or conveyance of the ſame goods and commodities from one place to another take out a new permit or permits from ſome one of the officers of exciſe within the diſtrict, where they ſhall then be, grounded on ſuch certificate as aforeſaid, for ſuch parts or ſo much of the ſaid goods and commodities as ſuch merchant, owner, or other perſon demanding ſuch new permit, ſhall have occaſion to ſend, or ſhall require to be ſent, to any other part or place.

who ſhall examine them and the permit,

and on affidavit give a certificate,

of equal authenticity with original permit, ſave as to conveying the goods,

on ſubſequent removal new permit, grounded thereon.

VII. And be it further enacted by the authority aforeſaid, That from and after the ſaid twenty fourth day of June one thouſand ſeven hundred and ſixty ſix all permits or let paſſes whatſoever, that ſhall be iſſued and granted by any officer of the revenue having power or authority to grant the ſame, or who has uſually granted the ſame, ſhall be wrote, ſtamped, or printed in plain and legible characters, and ſhall contain the ſeveral following particulars (that is to ſay) the date, the number, and the diſtrict from whence iſſued, and the place to which

Permits wrote or printed plainly, with the date, number, diſtrict, and place to which, and particular deſcription ſo as to prevent fraudulent conveyance of other goods,

the ſame is intended to be carried, and ſhall particularly expreſs the marks, weight, package, and quantity of goods, contained or to be contained in ſuch permit, as exactly as the caſe will admit of, or ſhall give ſuch other particular deſcriptions of the goods and commodities to be mentioned and contained in ſuch permit, as ſhall effectually comprize the ſame, and prevent other goods from being fraudulently conveyed or carried from one place to another under colour thereof; and ſhall likewiſe contain the real chriſtian and ſurnames of the perſon or perſons ſending the ſaid goods and commodities, and of the perſon or perſons to whom intended to be ſent; and in caſe any fictitious name or names ſhall be inſerted in any ſuch permit or permits, the goods mentioned therein ſhall be forfeited; and at the foot of the ſaid permit ſhall likewiſe be mentioned ſome reaſonable limited time for ſuch permit to be in force and no longer, for the conveyance of ſuch goods from one place to another; and after the expiration of ſuch limited time the ſaid permit or let paſs ſhall not be of any force for protecting or conveying the goods and commodities, which ſhall be mentioned or contained therein, from being ſeized by any officer of his Majeſty's revenue and forfeited, as goods clandeſtinely run or imported, or fraudulently brewed, made, or diſtilled.

with the perſons names,

if fictitious, forfeited,

at the foot a time limited,

after which of no force.

VIII. Provided always, that if the carriage of ſuch goods and commodities from one place to another ſhall be prevented from being fully performed within the time limited in ſuch permit by any unforeſeen or unavoidable accident, then, on notice being immediately given by the owner or carrier of ſuch goods or commodities to any officer of the revenue, and a reſt or ſtay being made of ſuch goods or commodities at or near the place, where ſuch accident ſhall happen, the officer of the revenue, to whom ſuch notice ſhall be given as aforeſaid, ſhall without any delay repair to the place, where ſuch goods and commodities ſhall then be; and if ſuch officer ſhall find upon view or enquiry, ſuch goods and commodities were ſtopped or delayed in their carriage by any ſuch accident as before mentioned, then and in ſuch caſe ſuch officer ſhall thereupon by indorſement on ſuch permit enlarge the time for the carriage of the ſaid goods to the place of their firſt deſtination; and if any officer of the revenue ſhall wilfully or negligently omit or refuſe to do his duty herein according to the directions aforeſaid, ſuch officer ſhall, on proof being made thereof to the ſatisfaction of the chief commiſſioners of his Majeſty's revenue, or any three or more of them, forfeit and loſe the ſum of ten pounds.

If by accident prevented, an officer on notice ſhall by indorſement enlarge the time,

officer neglecting duty, penalty before 3 commiſſioners 10l.

IX. Provided alſo, and be it further enacted by the authority aforeſaid, That in all caſes, where the carriage of ſuch goods and commodities ſhall by means of any accident be prevented from being performed within the time limited by the ſaid permit, and that fully proved to the ſatisfaction of the chief commiſſioners and ſub-commiſſioners of exciſe, in their reſpective diſtricts, the ſaid permit ſhall continue and be in force for the carriage of the ſaid goods and commodities to the place of their deſtination for ſuch time only, and no longer, as was loſt or delayed by ſuch accident.

Where carriage prevented by accident, on proof permit continued for the time loſt,

X. And whereas it will be advantageous to the tillage of this country, that ſome additional drawback of the inland exciſe upon ſpirits and ſtrong waters diſtilled in this kingdom, may be given upon exportation of the ſame: be it enacted by the authority aforeſaid, That from and after the firſt day of January one thouſand ſeven hundred and ſixty ſeven, the perſon exporting ſuch ſpirits or ſtrong waters, ſhall be intitled to an additional drawback of three pence per gallon out of the inland exciſe upon ſuch ſpirits or ſtrong waters, over and above any other drawback heretofore granted upon exportation of the ſame; ſuch drawback to be allowed in ſuch manner, as ſuch perſon would have been intitled to any former drawback of exciſe, under an act, made in the thirty third year of his late Majeſty's reign, intituled, *An act for the better regulating the collection of his Majeſty's revenue, and for preventing of frauds therein; and for repealing an act made the laſt ſeſſion of Parliament*, intitled, *An act for continuing and amending ſeveral laws heretofore made relating to his Majeſty's revenue, and for the more effectual preventing of frauds in his Majeſty's cuſtoms and exciſe, and the ſeveral acts and ſtatutes which are mentioned in the ſaid act, and continued thereby*, ſuch perſon performing the ſeveral requiſites, and ſubject to the ſeveral reſtrictions and penalties in the ſaid act mentioned.

Additional drawback 3d. per gallon out of inland exciſe on export of ſpirits and ſtrong waters diſtilled here, on performing requiſites, and ſubject to reſtrictions, in 33 *G.* 2. 10.

XI. And be it further enacted by the authority aforeſaid, That no perſon or perſons ſhall ſhip, or put on board any ſhip or veſſel, any ſpirits, exceeding what ſhall be neceſſary for ſhip's ſtores during her intended voyage, in order to diſcharge or land the ſame in any other port or place within this realm, unleſs ſuch perſon or perſons ſhall, before the ſhipping thereof, declare and manifeſt to the collector, cuſtomer, or comptroller of the port where the ſame ſhall be ſhipped, in the open cuſtom-houſe, the juſt and true contents and value of the ſaid ſpirits; and ſhall alſo make and enter into a ſufficient obligation in the law to the King's Majeſty, his heirs and ſucceſſors, with ſufficient ſureties in ſuch ſum as ſhall amount to double the value of ſuch ſpirits ſo declared and manifeſted, with condition that the

No ſpirits ſhipped, ſave for the ſhip's ſtores, to be relanded here, unleſs contents and value declared in cuſtom-houſe, and ſecurity in double value, to diſcharge at a lawful port here named, and no other, danger of ſeas excepted,

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same shall be discharged at some lawful port or place within this realm (mentioning the port or place particularly) and not in any other port or place whatsoever, (the danger of the sea only excepted) and that a certificate shall be returned within the space of six months, attested by the collector, or other chief officer of the port, where such spirits shall be landed, that the same were landed accordingly; and the said bond shall be valid and effectual in law for the recovery of the penalties therein respectively contained, until such certificate shall be returned as aforesaid, and shall from thenceforth be void, and delivered up to be cancelled.

certificate of landing returned in 6 months.

On proof of loss at sea, such bonds delivered up.

XII. Provided always, That if the said spirits shall perish or be lost at sea, and that duly proved to the satisfaction of the chief commissioners of the revenue, or any three or more of them, the said bonds shall thereupon be void and of no effect, and be delivered up to the respective obligors; which bonds and certificates the collectors, customers, or comptrollors respectively are hereby required and authorized to take and give accordingly.

Licences.

17 & 18 C. 2. 19. s. 1. 2.

XIII. And whereas by an act made in the seventeenth and eighteenth years of the reign of King Charles the second, intitled, *(An act for the better ordering the selling of wines, and aqua-vitæ, together with all sorts of strong waters by retail)* it is among other things enacted, That none shall sell, or utter wine or strong waters by retail, unless licensed thereto, as by the said act is directed: and it is further enacted in and by the said act, that the sums payable upon the issuing and granting licences for the selling of wines and strong waters respectively, shall be paid by two several equal payments; the first thereof to be made before the person so to be licensed take out his licence, and the second payment to be made at the end of six months after the date of such licence: and the parties so to be licensed, are required, by the said recited act, to enter into bonds for the respective second payments: and whereas several persons, who have executed bonds for the said second payment, neglect or refuse to pay the money for which such bonds were entered into, and are greatly encouraged to delay the said second payment, by reason of the tedious and expensive method of suing for the same, by action of debt, bill, plaint, or information, in a court of record, as by the said recited act is required: be it therefore further enacted by the authority aforesaid, That from and immediately after the passing of this act, it shall and may be lawful to and for the collectors of excise in their several and respective districts in this kingdom, in his or their names respectively, to sue for, and recover all and every sum and sums of

Collectors of excise may sue by civil bill on bonds for second payment of licence money under said act.

money

money, now due, or hereafter to become due, upon ſuch bonds, as have been, or ſhall be hereafter executed for ſuch ſecond payment of licence-money, in a ſummary way by civil bill, before the juſtice or juſtices of aſſize in their reſpective circuits, or before ſuch juſtices of the peace, or ſuch of his Majeſty's council at law, as ſhall attend at the quarter ſeſſions to he held for the county of Dublin, or in the county of the city of Dublin, before the recorder of the ſaid city, or the perſon or perſons authorized to hear civil bills in his abſence; and ſuch ſuits ſhall be proceeded on, and coſts paid, in the ſame manner as is uſual between party and party, under the ſeveral civil bill acts now in force; and the determinations thereon ſhall be as valid and effectual in the law, as if the ſame had been carried on and proſecuted by action of debt, bill, plaint, or information in a court of record; any thing in the ſaid recited act to the contrary in any wiſe notwithſtanding.

A juſtice on information on oath, may ſummon perſons ſuſpected of ſelling ſpirits, ſtrong waters, wine, beer or ale, without licence;

XIV. And whereas there are at preſent great quantities of ſpirits ſold in obſcure and unlicenſed houſes: and whereas abuſes of this kind do frequently paſs unpuniſhed: in order therefore for the more effectually preventing the ſame, be it enacted by the authority aforeſaid, That from and after the twenty fourth day of of June one thouſand ſeven hundred and ſixty ſix, it ſhall and may be lawful to and for any one or more of his Majeſty's juſtices of peace, on information upon oath made before him or them to ſummon, (and they are hereby required ſo to do) any perſon or perſons ſuſpected of ſelling ſpirits, or ſtrong waters, wine, beer, or ale without licence, and to require in ſaid ſummons ſuch perſon or perſons to bring with him or them, and produce before ſuch juſtice or juſtices of the peace, ſuch licence or authority, as he, ſhe, or they may have for ſale of ſuch beer, ale, ſpirits, wine, or ſtrong waters; and in caſe ſuch perſon or perſons ſhall not produce ſuch licence or authority as aforeſaid, then, and in ſuch caſe, ſuch juſtice or juſtices ſhall proceed to examine ſuch witneſs or witneſſes upon oath, as ſhall be produced; which oath ſuch juſtice or juſtices is and are hereby empowered to adminiſter, and determine whether ſuch perſon or perſons did ſell any ſuch liquors as aforeſaid within ſix months previous to the iſſuing ſuch ſummons, and whether ſuch perſon or perſons was or were duly authorized to ſell the ſame; and in caſe it ſhall appear to ſuch juſtice or juſtices, that ſuch perſon or perſons did ſell any of ſuch liquors within ſix months previous to the iſſuing ſuch ſummons, and was not, or were not duly licenced thereunto, that then ſuch juſtice or juſtices is and are hereby required to award any ſum of money not exceeding forty ſhillings, to be paid by ſuch perſon, who ſhall ſell without licence any of ſuch

on not producing licence examine witneſſes whether ſo ſold within 6 months,

if ſo, may award 40s. penalty, to informer,

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liquors as aforeſaid; and in caſe of nonpayment thereof, to iſſue a warrant under his or their hand or hands and ſeal or ſeals, to levy ſuch ſum, as ſhall be ſo awarded, by diſtreſs and ſale of the goods, and chattles of ſuch perſon, ſo ſelling any of ſuch liquors without licence as aforeſaid, over and above all other penalties whatſoever, which he, ſhe, or they may be ſubject and liable to by the laws now in force; which ſaid ſum ſo awarded ſhall go to the informer.

on non payment warrant for diſtreſs and ſale, above all other penalties.

On want of diſtreſs committed one month.

XV. And be it enacted by the authority aforeſaid, That in caſe ſuch ſeller or ſellers of ſuch liquors as aforeſaid, ſhall not have effects to the amount of ſuch ſum, as ſhall be awarded againſt him, her, or them as aforeſaid, then and in ſuch caſe, ſaid juſtice or juſtices of the peace may and are hereby reſpectively required and further authorized, by warrant under his or their hands and ſeals, to commit to the houſe of correction or county gaol the perſon or perſons ſo offending, there to remain without bail or mainprize for the ſpace of one kalendar month.

3 G. 3. 21. ſ. 13. recited,

XVI. And whereas by an act of Parliament made and paſſed in the third year of his preſent Majeſty's reign, intitled, *An act for continuing and amending two ſeveral acts of Parliament therein mentioned, and for the more effectual preventing of frauds in his Majeſty's cuſtoms and exciſe, and for other purpoſes therein mentioned*, it is enacted, That from and after the twenty fourth day of June one thouſand ſeven hundred and ſixty four, it ſhould and might be lawful to and for the collector of the duties, ariſing from ſtrong water licences in the collection of Dublin diſtrict, to take and receive from every perſon, that ſhall be licenſed to ſell ſtrong waters by retail, the ſum of two ſhillings, and no more, for every recognizance: be it further enacted by the authority aforeſaid, That from and after the twenty fourth day of June one thouſand ſeven hundred and ſixty ſix, it ſhall and may be lawful to and for the ſeveral collectors of the duties ariſing from ſtrong water licences in the collections of the ſeveral other diſtricts in this kingdom, to take and receive from every perſon, that ſhall be licenced to ſell ſtrong waters by retail, in their reſpective diſtricts, the ſum of two ſhillings and no more, for every recognizance.

fee to collectors for licences to retail ſtrong waters 2s.

Security to keep orderly houſe as by 33 G. 2. 10. ſ. 93.

XVIII. Provided, That ſuch collectors reſpectively do take good and ſufficient ſecurity, that the ſaid perſons reſpectively do keep a good and orderly houſe, according to the intent and meaning of the act of Parliament made in the thirty third year of the reign of his ſaid late Majeſty King George the ſecond, in the ſaid laſt mentioned act recited.

3 G. 3. 21. ſ. 41. recited.

XIX. And whereas by an act of Parliament made and paſſed in the third year of his preſent Majeſty's reign, intitled, *An act*

for continuing and amending two ſeveral acts of parliament therein mentioned, and for more effectual preventing of frauds in his Majeſty's cuſtoms and exciſe, and for other purpoſes therein mentioned, it is enacted, that from and immediately after the paſſing of the ſaid recited act there ſhould be payable to his Majeſty, his heirs and ſucceſſors, for every licence to be granted for ſelling *aquavitæ* or any kind of ſtrong waters or ſpirits whatſoever by retail in the city of Dublin, and within four miles of the Tholſel of the ſaid city, as well within franchiſes as without, ſuch ſum as ſhould be agreed to be paid for ſuch licence purſuant to the direction of the ſaid act of parliament, made in the ſeventeenth and eighteenth years of the reign of King Charles the ſecond, in the ſaid laſt mentioned act recited, ſo as none ſhould pay leſs than the ſum of four pounds yearly, and none ſhould be compelled to pay more than ten pounds yearly, any law to the contrary in any wiſe notwithſtanding: and whereas ſince the paſſing of the ſaid recited act of parliament, made in the third year of the reign of his preſent Majeſty, the licence granted for ſelling of ſtrong waters in the collection of Dublin diſtrict are decreaſed to one fourth of the number uſually granted yearly before the paſſing of the ſaid act; by reaſon whereof the fees of the collector of the duties ariſing from ſtrong water licences in the collection of the ſaid diſtrict are reduced to one fourth part of the ſum, which they uſually amounted to yearly before the paſſing of the ſaid act: be it therefore enacted by the authority aforeſaid, that from and after the ſaid twenty fourth day of June one thouſand ſeven hundred and ſixty ſix it ſhall and may be lawful to and for the collector of the duties ariſing from ſtrong water licences in the collection of Dublin diſtrict to take and receive from every perſon, that ſhall be ſo licenced, the ſum of one ſhilling Engliſh, and no more, for every licence, which ſhall be ſo granted, over and above the ſum of one ſhilling allowed to him as a fee upon each licence by two ſeveral acts of parliament made in the reign of King Charles the ſecond, in the ſaid act of the thirty third year of the reign of King George the ſecond particularly recited, any thing in the ſaid acts or any of them to the contrary notwithſtanding.

ſince which the number of licences and collectors fees for Dublin decreaſed 1-4th.

additional fee 1s. to collectors of ſtrong water licences in Dublin diſtrict.

XX. And whereas by an act paſſed in the third year of his Majeſty's reign, intitled, *An act for continuing and amending two ſeveral acts of parliament therein mentioned, and for the more effectual preventing of frauds in his Majeſty's cuſtoms and exciſe, and for other purpoſes therein mentioned*, it was among other things enacted, that from and after the twenty fourth day of June one thouſand ſeven hundred and ſixty four no perſon or perſons whatſoever ſhould ſuffer his, her, or their goods, wares, or merchandizes

3 G. 3. 21. *ſec.* 17. recited,

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merchandizes to remain or lie on the cuſtomhouſe quay of the port of Dublin for any longer ſpace of time than ten days, after the ſame had been landed, under the penalties in the ſaid act particularly mentioned: and whereas the proviſions made in and by the ſaid recited act for the removal of ſeveral goods, wares, or merchandizes within the time thereby limited have been found ineffectual to anſwer the ends thereby intended: be it therefore enacted by the authority aforeſaid, that from and after the ſaid twenty fourth day of June one thouſand ſeven hundred and ſixty ſix all ſpirits, and other liquors whatſoever, that are rated or pay duty to his Majeſty by the gauge, ſhall be taken and carried away from off the cuſtomhouſe quay of the port of Dublin within three days (commonly called working days) that is to ſay, three days (not being Sundays or holydays) after ſuch ſpirits, or other liquors as pay duty by gauge, ſhall be gauged; and all wines and other liquors, that are not charged or pay duty by the gauge, ſhall be removed and taken away from off the ſaid cuſtomhouſe quay within three days (commonly called working days) after the ſame ſhall be landed; and all goods and commodities whatſoever, that are charged and pay duty according to their weight, ſhall be removed and taken away from off the cuſtomhouſe quay within three days (commonly called working days) after the ſame ſhall be weighed; and if any perſon or perſons ſhall contrary to the directions of this act permit or ſuffer his, her, or their goods or merchandizes, herein before particularly mentioned and enumerated, to lie or remain on the ſaid quay for any longer ſpace of time, than herein before is mentioned concerning the ſame reſpectively, then and in the ſeveral and reſpective caſes aforeſaid the perſon and perſons offending in the premiſſes ſhall for every time, he, ſhe, or they ſhall ſo offend, forfeit the ſum of twenty ſhillings *ſterling* for every night, he, ſhe, or they ſhall permit or ſuffer his, her, or their goods and commodities, herein before particularly ſpecified or enumerated, to lie or remain on the ſaid quay after the expiration of the ſaid three days (commonly called working days) to be computed from the reſpective times of gauging, landing, or weighing of the ſame, as herein before is mentioned; which ſaid penalty of twenty ſhillings ſhall and may be ſued for and recovered by civil bill before the recorder of the city of Dublin, or the perſon appointed to hear civil bills in his abſence (who are hereby reſpectively authorized and required to hear and determine the ſame) and ſhall be to the ſole uſe and benefit of the perſon or perſons, who ſhall without fraud or covin firſt ſue for the ſame.

ſpirits and liquors rated by gauge removed from cuſtom-houſe quay of Dublin in 3 working days after gauged,

wines and liquors, not ſo rated, in 3 days after landing.

goods charged by weight, in 3 days after weighed,

penalty 20s. every night,

by civil bill to firſt real proſecutor.

XXI. Pro-

XXI. Provided nevertheleſs, that if any difference, matter of controverſy or difficulty, ſhall happen to ariſe between any merchant, trader, or dealer, and the chief commiſſioners of the revenue, the port collector, ſurveyors, or other officers on the ſaid quay, then and in that caſe the ſaid three days (commonly called working days) ſhall not commence until three days (commonly called working days) after ſuch difference, matter of controverſy, or difficulty ſhall be determined.

Said 3 days not to commence, till after diſputes determined.

XXII. And whereas by an act paſſed in the third year of his Majeſty's reign, intitled, *An act for continuing and amending two ſeveral acts of parliament therein mentioned, and for the more effectual preventing of frauds in his Majeſty's cuſtoms and exciſe, and for other purpoſes therein mentioned*, it is among other things enacted, that no licence ſhall be granted for the retailing of ſpirituous liquors, beer, ale, wine, cyder, or other liquors within any goal, priſon, houſe of correction, work houſe, or houſe of entertainment for any pariſh poor; and that all licences, granted or to be granted contrary to the proviſion in the ſaid recited act, ſhould be void and of no effect from and after the twenty fourth day of June one thouſand ſeven hundred and ſixty four: and whereas the prohibition contained in the ſaid recited act has proved ineffectual, by reaſon that the penalty of ſelling the ſeveral liquors aforeſaid by retail without a licence is only five pounds; which has been found too ſmall an encouragement for any informer to prove the offence againſt the perſons guilty thereof: for remedy whereof be it further enacted by the authority aforeſaid, that if any gaoler, maſter, or keeper of any gaol, priſon, houſe of correction, work houſe, or houſe of entertainment for any pariſh poor, ſhall either by themſelves, or ſecretly and fraudulently by the means of any other perſon or perſons, retail or ſell any ſpirituous liquors, beer, ale, wine, cyder, or other liquors within any gaol, priſon, houſe of correction, work houſe, or houſe of entertainment for any pariſh poor, the perſon or perſons ſo offending ſhall for every ſuch offence forfeit the ſum of fifty pounds.

3 G. 3. at. ſec. 15. recited,

the penalty of 5l. therein too ſmall,

gaolers, &c. ſelling liquors in gaol, houſe of correction, &c. penalty 50l.

XXIII. And be it further enacted by the authority aforeſaid, that from and after the ſaid twenty fourth day of June one thouſand ſeven hundred and ſixty ſix no duty whatſoever ſhall be paid to his Majeſty, his heirs, or ſucceſſors, for or upon the importation of the wood or timber, commonly called and known by the name of *lignum vitæ*, nor upon any linnen rags that ſhall be imported into this kingdom.

No duty on *lignum vitæ* or linen rags imported.

XXIV. And be it further enacted by the authority aforeſaid, that no duty ſhall be paid henceforth unto his Majeſty, his heirs, and ſucceſſors, for or on account of any flour or rape ſeed oil,

Nor on export of flour or rape ſeed oil made here.

made and manufactured in this kingdom, upon the exportation thereof.

Collectors or others deſtroying or defacing account books of revenue, felony, death.

XXV. And whereas it has frequently happened, that collectors of his Majeſty's revenue and their clerks have reſpectively run in arrear to his Majeſty, and have thereupon abſconded and withdrawn themſelves ſo as not to be diſcovered, and have carried with them or ſecreted the ſeveral books of account, relating to his Majeſty's revenue under their collection and care, with intent to prevent the chief commiſſioners of his Majeſty's revenue, or the officers employed under them to examine their ſeveral accounts, entries, and diſburſements in order to aſcertain the ballance remaining due to his Majeſty after all juſt allowances: for remedy of which evil be it further enacted by the authority aforeſaid, that from and after the ſaid twenty fourth day of June one thouſand ſeven hundred and ſixty ſix if any collector, or clerk of any collector, or other perſon or perſons whatſoever, ſhall wilfully deſtroy, or cauſe to be deſtroyed, or ſhall with deſign to defraud his Majeſty, his heirs or ſucceſſors, wilfully obliterate or deface, or cauſe to be obliterated or defaced, any of the books of account appertaining to his Majeſty's revenue, or belonging to any cuſtom houſe or exciſe office within this kingdom, then and in that caſe every ſuch collector, clerk of any collector, or other perſon or perſons whatſoever, on being legally convicted thereof, ſhall be adjudged guilty of felony, and ſhall ſuffer the pains and penalties of death without benefit of clergy, or of the ſtatute.

Taking away or ſecreting account books and not delivering in 21 days after demand by 2 commiſſioners or officer ſpecially authorized, felony, death.

XXVI. And be it further enacted by the authority aforeſaid, that if any collector, clerk of any collector, or other perſon or perſons whatſoever, ſhall wilfully take away or ſecrete any of the books of account appertaining to his Majeſty's revenue, or belonging to any cuſtom houſe or exciſe office, and ſhall not within twenty one days after demand made by the chief commiſſioners of his Majeſty's revenue, or any two or more of them, or by any officer ſpecially authorized for that purpoſe by writing under the hands and ſeals of any two or more of the commiſſioners of his Majeſty's revenue, deliver up (upon oath if required) to the ſaid chief commiſſioners or officer authorized by them as aforeſaid, all ſuch books of account relating to his Majeſty's revenue in his, her, or their cuſtody or power, then and in ſuch caſe every collector, clerk of any collector, or other perſon or perſons offending in the premiſſes, on being legally convicted thereof ſhall be adjudged guilty of felony, and ſhall ſuffer the pains and penalties of death without benefit of clergy, or of the ſtatute.

XXVII. Provided nevertheleſs that no attainder, corruption of blood, or other diſability ſhall enſue ſuch conviction.

But no attainder or other diſability.

XXVIII. Provided alſo, that in caſe ſuch collector or clerk of any collector ſhall abſcond or conceal himſelf, ſo as a perſonal demand cannot be made for ſuch books of account, as are herein before mentioned, then and in that caſe on notice or demand made in writing, and affixed to the principal door of ſuch cuſtom houſe or exciſe office, and printed in the Dublin Gazette for the ſpace of three calendar months, ſuch notice or demand ſo affixed and printed ſhall be deemed and taken to be as effectual in law to all intents, conſtructions, and purpoſes, as if a perſonal demand had been made on ſuch collector or clerk charged with taking away or ſecreting ſuch books of account.

Collector or clerk abſconding, notice fixed to the office door and printed 3 months in gazette as effectual as if perſonal.

XXIX. Provided always, and be it further enacted by the authority aforeſaid, That no perſon or perſons ſhall be proſecuted by indictment or otherwiſe for any of the offences hereby made capital, unleſs the ſame be brought or exhibited within two years next after the offence committed, and not after the ſaid two years.

Proſecution in 2 years.

XXX. And be it further enacted by the authority aforeſaid, That from and after the ſaid twenty fourth day of June one thouſand ſeven hundred and ſixty ſix all brandy, rum, and ſpirits, (except cordial waters) in caſks under fifty gallons gauge, and all tea in any package whatſoever (excepting ſuch tea as ſhall be directly brought from Great Britain, and proved to have been exported from thence) and tobacco in any package containing leſs than five hundred pounds weight, ſhall be ſeized and forfeited, if found on board any ſhip, veſſel, or boat in any port or harbour of this kingdom, or hovering within three leagues of the ſhores of this kingdom, or ſhall be diſcovered ſo to have been, although bulk ſhall not appear to have been broke, or any of the ſaid goods or commodities before mentioned run or attempted to have been run out of ſuch ſhip, veſſel, or boat, (ſave only and except) in caſe of unavoidable neceſſity and diſtreſs; which neceſſity and diſtreſs the maſter, purſer, or perſon having or taking the charge or command of ſuch ſhip or veſſel, ſhall immediately after the arrival of ſuch ſhip or veſſel into any, bay, harbour, river, or creek of or belonging to this kingdom, give notice and make proof of before the collector or other chief officer reſident at the neareſt port, where ſuch ſhip or veſſel ſhall arrive.

Spirits (except cordial waters) in caſks under 50 gallons, tea (unleſs directly from Great Britain) in any package, tobacco under 500lb. forfeited if in any veſſel in port or within 3 leagues, tho' no bulk broke nor attempt to run,

unleſs on neceſſity, proved by the commander before the officer immediately.

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Each ſeaman allowed 2 gallons of ſpirits, 1lb. of tea.

XXXI. Provided nevertheleſs, That it ſhall be lawful to have ſo much tea, brandy, rum, or ſpirits, for the uſe of the ſeamen then belonging to and on board ſuch ſhip or veſſel, as ſhall not exceed in quantity more than two gallons of ſpirits for each ſeaman, nor more than one pound of tea for each ſeaman.

Salt, Britiſh or Iriſh not exported in ſhips under 100 tuns, in bulk only not in bags, bond by exporter with ſureties 6s. 8d. per buſhel for true exportation thereof,

XXXII. And be it enacted by the authority aforeſaid, That no ſalt of the produce or manufacture of Great Britain or Ireland ſhall after the twenty fourth day of June one thouſand ſeven hundred and ſixty ſix be exported in any ſhip or veſſel of leſs burthen than one hundred tuns, and in bulk only, and not in bags or ſacks; and that on the exportation of any ſalt of the produce or manufacture of Great Britain or Ireland the merchant, exporter, or owner thereof ſhall enter into a bond to his Majeſty, his heirs, and ſucceſſors, with ſufficient ſureties in the ſum of ſix ſhillings and eight pence for every buſhel of ſalt (reckoning fifty ſix pounds to every buſhel) that ſhall be ſhipped or put on board ſuch ſhip or veſſel, with condition that the ſame, or any part thereof, ſhall be landed in Great Britain or in the Iſle of Man, but that the ſame ſhall really and truly be exported for other parts beyond the ſeas, and that a certificate of ſuch ſalt being landed at or in ſome foreign port (Great Britain and the Iſle of Man excepted) ſhall be returned within the ſpace of ſix calendar months from the date of the ſaid bond, under the ſeal of office of the chief magiſtrate in any port or place beyond the ſeas (except as before excepted) or under the hand and ſeal of the Britiſh conſul reſiding at ſuch port or place, or under the hands and ſeals of two Britiſh merchants then being at ſuch port or place, that ſuch ſalt was there landed; and on return of ſuch certificate the ſaid bond ſhall be void and of no effect, and ſhall be delivered up without fee or reward to the obligors, their executors, or adminiſtrators, to be cancelled.

certificate of landing at foreign port (Great Britain and Man excepted) in 6 months from date of bond under ſeal of chief magiſtrate, or Britiſh conſul, or 2 Britiſh merchants.

Salt not carried coaſtwiſe without a cocquet from the officer expreſſing the quantity,

XXXIII. And in order to prevent frauds being committed by perſons ſhipping ſalt on board ſmall veſſels or boats under pretence of carrying the ſame from one port, creek, or place in Ireland to ſome other port, creek, or place in the ſame kingdom, be it further enacted by the authority aforeſaid, That no ſhip, veſſel, or boat, laden or partly laden with ſalt with an intent to diſcharge or land the ſame in ſome other port or place within this realm, ſhall be ſuffered to depart from the port or place, where ſhe ſhall take in her lading, until the maſter, purſer, or other perſon having charge of the ſaid ſhip, veſſel, or boat, ſhall take and receive from the chief officer of the revenue of the ſaid port or his deputy a cocquet under the hand of ſuch officer, expreſſing the quantity of ſuch ſalt as ſhall be ſo ſhipped to be carried coaſtwiſe; and ſhall alſo enter into a bond to his Majeſty,

and bond and ſureties 6s. 8d. per

his

his heirs, and ſucceſſors, with ſufficient ſureties in the ſum of ſix ſhillings and eight pence for every buſhel of ſalt (reckoning fifty ſix pounds to every buſhel) with condition that the ſame ſalt ſhall be delivered and diſcharged in the port or place, to which the ſaid ſhip, boat, or veſſel ſhall be deſtined, or in ſome other port or place within this kingdom, and not elſewhere (the danger of the ſeas excepted) and that ſuch maſter, purſer, or other perſon having charge of ſuch ſhip, boat or veſſel, ſhall return a certificate of the landing thereof within three calendar months next enſuing the date of the ſaid cocquet under the hands and ſeals of the collector, cuſtomer, or comptroller of his Majeſty's cuſtoms, his or their deputy or deputies, in the port or place where ſuch ſalt ſhall be landed or diſcharged; and from and after the return of ſuch certificate the ſaid bonds ſhall be void, and be delivered up without fee or reward to the reſpective obligors, their executors or adminiſtrators, to be cancelled.

buſhel to diſcharge in this kingdom, danger of ſeas excepted,

certificate of landing in 3 months from date of the cocquet,

ſaid bonds valid.

XXXIV. And be it further enacted by the authority aforeſaid, That the ſaid bonds, to be entered into for the ſeveral purpoſes aforeſaid, ſhall be valid and effectual in the law for the recovery of the penalties therein reſpectively contained; and the ſeveral collectors, cuſtomers, or comptrollers of his Majeſty's cuſtoms in this kingdom in their reſpective ports or diſtricts are hereby authorized and required to take the ſame according to the directions herein before mentioned.

Officers required to take bonds.

XXXV. Provided always, That if ſuch ſalt ſo to be exported, or ſhipped, or to be carried coaſtwiſe, or any part thereof, ſhall periſh or be loſt at ſea, or ſhall be taken by enemies or pirates at ſea, or ſhall be ſtranded, and that duly proved to the ſatisfaction of the chief commiſſioners of his Majeſty's revenue for the time being, or any three or more of them, the ſaid bonds ſhall thereupon be void and of no effect, and be delivered up without fee or reward to the reſpective obligors, their executors or adminiſtrators, to be cancelled.

Void on proof before 3 commiſſioners of being loſt or taken at ſea or ſtranded.

XXXVI. Provided alſo, That nothing in this act ſhall extend or be conſtrued to extend to any ſalt, that ſhall be ſhipped or put on board any boat, veſſel, or buſs for the ſalting or curing fiſh at ſea; but that it ſhall and may be lawful for any fiſherman to ſhip and take on board any boat, veſſel, or buſs any quantity of ſalt for the purpoſe aforeſaid, ſo as oath be firſt made before ſome one of the officers of the cuſtoms of the port or place, where ſuch ſalt ſhall be ſhipped (which oath the ſaid officer of the cuſtoms is hereby impowered and directed to adminiſter without fee or charge) that the particular quantity of ſalt, which ſhall be ſo ſhipped or put on board, is not intended to be land-

But any quantity of ſalt may be ſhipped for curing fiſh at ſea, on oath of ſuch intent and not to land in Great Britain or Man.

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ed in any part of Great Britain or the Iſle of Man, but is really and truly without fraud or deceit intended for the ſalting or curing of fiſh at ſea, or in ſome harbour, port, or creek in this kingdom.

And for ſhips neceſſary proviſion.

XXXVII. Provided alſo, That nothing in this act ſhall extend or be conſtrued to extend to prohibit the lading of ſo much ſalt, as ſhall or may be neceſſary for the proviſion of the company or crew of any ſhip or veſſel for their voyage, or for the curing of fiſh.

33 G. 2. c. 10.

XXXVIII. And whereas by an act paſſed in the thirty third year of the reign of his late Majeſty King George the ſecond, intituled, *An act for the better regulating the collection of his Majeſty's revenue, and for preventing of frauds therein, and for repealing an act made the laſt ſeſſion of Parliament*, intituled, *An act for continuing and amending ſeveral laws heretofore made relating to his Majeſty's revenue, and for the more effectual preventing of frauds in his Majeſty's cuſtoms and exciſe, and the ſeveral acts and ſtatutes which are mentioned in the ſaid act, and continued thereby*, and by one other act made in the ſecond year of his preſent Majeſty's reign, intituled, *An act for continuing and amending an act*, intituled, *An act for better regulating the collection of his Majeſty's revenue, and for preventing frauds therein, and for repealing an act made the laſt ſeſſion of Parliament*, intituled, *An act for continuing and amending ſeveral laws heretofore made relating to his Majeſty's revenue, and for the more effectual preventing of frauds in his Majeſty's cuſtoms and exciſe, and the ſeveral acts and ſtatutes which are mentioned in the ſaid act, and continued thereby*, and by one other act made in the third year of his preſent Majeſty's reign, intituled, *An act for continuing and amending two ſeveral acts of Parliament therein mentioned, and for the more effectual preventing of frauds in his Majeſty's cuſtoms and exciſe, and for other purpoſes therein mentioned*, ſeveral proviſions were made for the better regulating the collection of his Majeſty's revenue, and for preventing frauds therein, which have been found to be of general uſe, be it further enacted by the authority aforeſaid, That the ſaid three recited acts, and all and every the clauſes therein reſpectively contained, except ſuch parts thereof as are altered or amended by this preſent act, ſhall continue and be in force for the ſpace of two years, from the twenty fourth day of June one thouſand ſeven hundred and ſixty ſix, and from thence to the end of the then next ſeſſion of Parliament and no longer.

1 G. 3. c. 7.

3 G. 3. c. 21.

ſaid 3 acts, ſave as hereby altered, continued 2 years, &c. from 24 June 1766.

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XXXIX. And be it enacted by the authority aforeſaid, That all and every the fines, forfeitures, and penalties, inflicted by this act or by the ſaid three acts of Parliament herein before laſt particularly mentioned and recited, or by any of them (other than and except ſuch as are by this act, or by any of the ſaid three recited acts of Parliament herein before mentioned otherwiſe provided for) ſhall and may be ſued for, recovered, levied, and applied in ſuch manner and form, and by ſuch ways and methods, and with ſuch powers and authorities, as are preſcribed, directed, and appointed in and by an act of Parliament, made in the fourteenth and fifteenth years of the reign of King Charles the ſecond, intituled, *An act for the ſettling of the exciſe or new impoſt upon his Majeſty, his heirs, and ſucceſſors, according to a book of rates therein inſerted*, as fully and effectually to all intents and purpoſes as if the ſame were particularly mentioned, expreſſed, and enacted again in the body of this preſent act, with the like remedy of appeal to and for the party or parties who ſhall think him, her, or themſelves aggrieved or injured, as in and by the ſaid act of exciſe is provided.

All penalties by this or ſaid 3 acts, unleſs otherwiſe provided, recovered as by 14 and 15 *C.* 2. 8. with like appeal.

XL. Provided always, and be it enacted by the authority aforeſaid, That the ſeveral further proviſions, hereby made for the ſecurity and improvement of his Majeſty's revenue, ſhall continue and be in force from the twenty fourth day of June one thouſand ſeven hundred and ſixty ſix until the twenty fourth day of June one thouſand ſeven hundred and ſixty eight, and from the determination of the ſaid two years to the end of the then next ſeſſion of Parliament, and no longer.

The further proviſions herein for the revenue continued to 24 June 1768, and annually, and to 1787 by 26 *G.* 3. *c.* 46.

CHAP. XVII.

An Act for encouraging the planting of Timber Trees.

WHEREAS the diſtreſs this kingdom muſt ſoon be in for want of timber, is moſt obvious: and whereas it is equal to inheritors, whether tenants do not plant, or have a property in what they plant: be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of September one thouſand ſeven hundred and ſixty ſix tenants for lives renewable for ever, paying the rents and performing the other covenants in their leaſes, ſhall not be impeachable of waſte in timber trees or woods, which they ſhall hereafter plant, any covenant in leaſes

Tenants for lives renewable for ever, performing covenants, not impeachable of waſte in trees planted by them, notwithſtanding covenant, law, or uſage, *extended to fee farms by* 7 *G.* 3. 20. *ſec.* 11. 17 & 18 *G.* 3. *c.* 35.

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or ſettlements heretofore made, law, or uſage to the contrary notwithſtanding.

Tenant for life or lives by ſettlement, office, &c. or above 12 years planting ſally or willows, the property veſted, may fell under reſtrictions,

II. Be it enacted by the authority aforeſaid, That from the time aforeſaid any tenant for life or lives by ſettlement, dower, courteſy, jointure, leaſe, or any office, civil, military, or eccleſiaſtical, impeachable of waſte, or any tenant for years exceeding twelve years unexpired, ſhall plant ſally, ozier, or willows, the ſole property of ſuch ſhall during the continuance of the term veſt in the tenant, and he may cut and fell the ſame under the reſtrictions hereafter mentioned; and if ſuch tenant ſhall plant any timber trees of oak, aſh, elm, fir, pine, walnut, cheſnut, horſe cheſnut, quicken, or wild aſh, alder, poplar, or other timber trees, ſuch tenant during the term ſhall be intitled to houſe boot, plow boot, cart boot, and car boot of ſuch trees by him planted; and at the expiration of the term, or where ſuch trees ſhall have attained maturity, which ſhall firſt happen, ſhall be intitled to the ſaid trees or the value of them according to the directions hereafter mentioned, any covenant heretofore made, law, or uſage to the contrary notwithſtanding.

planting timber trees, intitled to botes, and to the trees or value at end of the term or their maturity.

On certificate in ſix months after planting lodged with clerk of the peace, the number, kind, height, and growth and a clear deſcription,

III. Provided always, and be it enacted by the authority aforeſaid, That each perſon ſo planting ſhall within ſix months next after ſuch planting lodge with the clerk of the peace of the county, where ſuch plantation is made, a certificate under the hand of the tenant, containing the number and kind of the trees planted, their height, and years growth at the time of planting, and a clear deſcription of the places and manner wherein they ſhall be planted; which certificate ſhall be kept on a ſeparate file among the records of the county, and entered in an alphabetical book by the denomination of the land in the ſaid county; and ſuch certificate or a copy thereof, atteſted by the acting clerk of the peace, ſhall be evidence of notice of ſuch plantation in all courts; for filing of which certificate, alphabeting the ſame in the book, and making and atteſting a copy thereof, the clerk of the peace ſhall receive a fee of one ſhilling and no more, and for a copy of ſuch certificate ſix pence and no more; and to which book and certificate all perſons may reſort, during each quarter ſeſſions to be held for ſuch county, without any fee.

filed ſeparate, entered alphabetically by name of the land, certificate or atteſted copy evidence of notice, fee of filing &c. 1s. copy 6d. during ſeſſions reſort without fee.

Where term uncertain, tenant performing covenants may for 1 year after term ended enter and cut in due ſeaſons, and manufacture

IV. And be it further enacted by the authority aforeſaid, That in all caſes where the expiration of the term of the tenant is uncertain, the tenant paying the rent and performing the other covenants in his leaſe, ſhall be at liberty for the ſpace of one year next after the expiration of his term to enter on the lands, and cut and fell in due ſeaſons all the trees ſo planted

ed and regiſtered, and the ſame to manufacture as needful on the lands for the ſpace of one year next after ſuch felling, making reaſonable ſatisfaction to the inheritor for the treſpaſs to be committed by felling, coaling, or manufacturing the ſame: and where the expiration of the term is certain, the tenant during the laſt year of his term, paying the rent and performing the covenants, may in like manner cut and carry away ſuch trees ſo planted and regiſtered.

1 year after, making ſatisfaction, where certain, may cut and carry during laſt year.

V. Provided always, and be it further enacted by the authority aforeſaid, That if any perſon intitled to the reverſion and inheritance of the lands mediately or immediately ſhall be inclined to purchaſe ſuch trees, ſuch perſon ſhall be at liberty during the laſt year ſave one of the term, where the expiration is certain, and within ſix calendar months after the expiration of a term for life or on any uncertain contingency, to apply by petition to the juſtices of the peace of the county at their quarter ſeſſion, and ſet forth their title and intention, giving the tenant twenty one days notice, and upon entering into a recognizance with ſufficient ſecurities, conditioned to pay ſuch tenant ſuch ſums as ſhall be adjudged to be the value of the ſaid trees, according to the rules of this act, the property of the trees ſhall from the time of ſuch notice veſt in the petitioner; and the juſtices ſhall at the ſame or enſuing ſeſſion by a jury of freeholders of the county aſcertain the value of the ſaid trees when felled over and above the expence of felling, and the needful compenſation to be made as aforeſaid, if any ſuch be; which with the record of ſuch judgment and recognizance ſhall be by the juſtices at the inſtance of the party intereſted certified into the court of chancery; and execution ſhall iſſue thereupon as uſual on recognizances taken before a maſter of that court: but if ſuch petitioner ſhall fail to give ſuch ſecurity at ſuch ſeſſion according to ſuch notice, the property of ſuch trees ſhall remain in the tenant.

Immediate inheritor, &c. may during laſt year ſave one, where term certain, and in ſix months after expiration where uncertain, petition at ſeſſions, ſet forth title and intention, on 21 days notice to tenant, & ſecurity to pay value adjudged, property of the trees veſted in petitioner, the value above felling, &c. aſcertained by jury the ſame or enſuing ſeſſion, and with the recogniſance certified into chancery, execution as uſual on recogniſance before a maſter, on default of ſecurity tenant's property.

VI. Provided alſo, That if more than one perſon intitled to ſuch reverſions ſhall petition, that perſon ſhall be preferred, who has the moſt immediate title to the reverſion.

Immediate reverſioner preferred.

VII. Provided that this act ſhall not extend to leaſes to be made by guardians of minors, or cuſtodees of lunaticks or idiots, or to any perſon in poſſeſſion as creditors by mortgage, *cuſtodiam*, *elegit*, or otherwiſe, or deriving under ſuch only, or to any tenant who ſhall be evicted for nonpayment of rent.

Excepted leaſes by guardian, &c. mortgagee, cuſtodee, by *elegit*, or on eviction for nonpayment.

VIII. Provided, That where the reverſion belongs to a minor, and the court of chancery ſhall adjudge, that it is for the benefit of the minor to purchaſe ſuch trees, the guardian ſhall have

Minor reverſioner, adjudged in chancery his benefit to purchaſe, allow-

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ance to guardian, tenant for life, &c. purchaſing, to ſtand place of planter.

have allowance for what he pays, and expences for ſuch purchaſe; if the perſon purchaſing ſuch trees ſhall be tenant for life or in tail impeachable of waſte, ſuch purchaſer ſhall ſtand in the place of the planter, and ſuch trees, if not felled by him during the ſubſiſtance of his title, ſhall be felled or valued according to the rates of this act.

Tenants on like notice and ſecurity to reverſioner by recogniſance may petition, and like remedy and damages by jury.

IX. And in order to aſcertain what compenſation ſhall be made by ſuch tenant, intitled by the rules of this act to fell trees after the expiration of his term, it ſhall be lawful for the tenant to petition the juſtices, giving the reverſioner like notice, and on the tenants giving like ſecurity by recognizance, the court ſhall by a jury aſcertain the damages, and the like remedy ſhall be on the buyer as before mentioned.

Clerk's fees, petition 6d. affidavit 6d. recogniſance 2s. and 6d. rule for trial and precept 1s. each party, certificate to chancery 6s. and 8d.

X. The fees to be taken by the clerk of the peace for filing and entering every petition ſix pence; for filing and copying every affidavit ſix pence; for making and filing every recognizance two ſhillings and ſix pence; for rule for tryal and precept to the ſheriff each party one ſhilling; for making, recording, and certifying the ſame to chancery ſix ſhillings and eight pence.

CHAP. XVIII.

An Act for the better Preſervation of Corn.

Amended 7 G. 3. 28.

WHEREAS the induſtry of the inhabitants of this kingdom has conſiderably increaſed, ſince premiums were firſt introduced to encourage arts and manufactures: be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That

8 premiums, 200l. paid 1ſt Jan. 1767 to landholders poſſeſſing greateſt quantity of corn of their grounds, preſerved on ſtands 4 feet high ſo as air may paſs under, with projecting ſtones.

eight premiums, amounting to the ſum of two hundred pounds, ſhall be paid on the firſt day of January one thouſand ſeven hundred and ſixty ſeven to the landholders and farmers of each county in this kingdom in the proportions herein after mentioned, who ſhall then have in their own poſſeſſion the greateſt quantity of corn reaped from ground occupied by them, and preſerved upon ſtands erected in the open air four feet at leaſt from the ground, and conſtructed in ſuch manner that the air may paſs under the corn, and that it may be defended from vermin by projecting flag ſtones or ſlates.

II. Provided, That no landholder or farmer ſhall be intitled to ſuch premium, who ſhall have a leſs quantity in his poſſeſſion than the quantity of corn herein annexed to each premium; one premium of fifty pounds for any quantity of corn not leſs than five hundred barrels; one premium of forty pounds for any quantity of corn not leſs than four hundred and fifty barrels; one premium of thirty pounds for any quantity of corn not leſs than four hundred barrels; one premium of twenty five pounds for any quantity of corn not leſs than three hundred and fifty barrels; one premium of twenty pounds for any quantity of corn not leſs than three hundred barrels; one premium of fifteen pounds for any quantity of corn not leſs than two hundred and fifty barrels; one premium of twelve pounds for any quantity of corn not leſs than two hundred barrels; and one premium of eight pounds for any quantity of corn not leſs than one hundred barrels: and to aſcertain the barrel twenty ſtones of wheat, meſlin, or rye, ſixteen ſtones of bere or barley, and fourteen ſtones of oats, ſhall be a barrel of each ſpecies of corn reſpectively.

50l. premium 500 barrels,
40l. for 450.
30l. 400.
25l. 350.
20l. 300.
15l. 250.
12l. 200.
8l. 100.
the barrel 20 ſtone of wheat, meſlin, or rye; 16 bere or barley, 14 oats.

III. And be it enacted by the authority aforeſaid, That every perſon intending to claim any of the ſaid premiums ſhall, one month before he or they make ſuch claim, ſend notice in writing to the ſecretary of the Dublin ſociety of the quantity and ſpecies of corn then in his or their poſſeſſion; and the ſaid ſecretary ſhall cauſe an account of the quantities and ſpecies of corn ſo returned to him, diſtinguiſhing the counties, to be publiſhed in the nature of a news paper once in every week for a month, after he ſo receives the ſame; and that the perſon or perſons intending to claim any of the premiums aforeſaid may be able to aſcertain the number of barrels of corn in his or their poſſeſſion, ſuch perſon and perſons is and are hereby required to keep an exact account of the number of barts of corn, reckoning twenty ſheafs to each bart, put up or placed upon each ſtand; and before he or they ſend ſuch notice as aforeſaid to the ſecretary of the Dublin Society, he or they are hereby required to cauſe ten barts of each ſpecies of corn to be taken from off each ſtand (if more than one) five barts from one part of ſuch ſtand, and five barts from another part of ſuch ſtand, and to have the ſame threſhed, and the return thereof winnowed and cleaned, and is hereby required to ſend in ſuch notice the exact produce of the ſaid barts ſo threſhed.

1 month notice by claimant to ſecretary of Dublin ſociety,
quantity and ſpecies ſo returned publiſhed weekly for a month,
exact account kept of barts 20 ſheafs each,
10 barts of each ſpecies from each ſtand threſhed, the exact produce ſent in ſuch notice.

IV. And be it enacted by the authority aforeſaid, That the vice treaſurer or vice treaſurers of this kingdom, or his or their deputy or deputies, ſhall pay the premiums aforeſaid, which ſhall be allowed to him or them in his or their accounts, to

Premiums paid by and allowed to vice treaſurers,

the landholders and farmers of ſuch county, who ſhall appear to have the greateſt quantity of corn, not leſs than the quantities aforeſaid, in their poſſeſſion at the time aforeſaid, preſerved as herein ſet forth.

On affidavit by claimant and two employed by him, before 2 juſtices, of quantity of ground tilled by him or his order, the pariſh and barony, the ſtands, ſpecies of corn, barts, exact produce, and number of barrels,

V. Provided that before any perſon ſhall receive any of the aforeſaid premiums, ſuch perſon ſhall produce to the ſaid vice treaſurer or vice treaſurers, or his or their deputy or deputies, his own affidavit, and alſo the affidavit of two other perſons employed by him in the care and management of the corn in his poſſeſſion, ſworn before two juſtices of the peace, ſetting forth the quantity of ground tilled; the pariſh and barony where the ſame lies; that the ſame was tilled by him or his order, and occupied by him; the number, height, and dimenſions of his ſtands; of what materials conſtructed; the ſpecies of corn upon ſuch ſtand or ſtands; the number of barts, and the exact produce of ſuch barts as were taken from ſuch ſtand or ſtands and threſhed, and that the ſame were taken indifferently; and what number of barrels of corn to the beſt of his or their judgment ſuch ſtand or ſtands contain: and every perſon claiming any of the aforeſaid premiums ſhall together with the ſaid affidavits deliver to the ſaid vice treaſurer or vice treaſurers, or his or their deputy or deputies, a certificate ſigned by the rector or vicar, or in his or their abſence by the curate of the pariſh, in which ſuch corn grew, that he hath viewed the ſtand or ſtands and corn mentioned in ſaid affidavits, and believes the contents of ſaid affidavits to be true.

with the miniſter's certificate.

Penalty if falſe affidavit, as for perjury.

VI. And be it enacted by the authority aforeſaid, That if any perſon or perſons ſhall wilfully ſwear falſely in any ſuch affidavit as aforeſaid, ſuch perſon or perſons, when convicted thereof, ſhall ſuffer as perſons convicted of wilful and corrupt perjury.

Like premiums 7 years, &c. from 1 January 1767.

VII. And be it enacted by the authority aforeſaid, That the like premiums, ſubject to the ſame conditions and reſtrictions, ſhall be paid yearly upon every firſt day of January for the term of ſeven years from the ſaid firſt day of January one thouſand ſeven hundred and ſixty ſeven, and to the end of the then next ſeſſion of parliament.

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CHAP. XIX.

An Act for the further Encouragement of Tillage in this Kingdom.

WHEREAS the laws heretofore made for the encouragement of tillage in this kingdom have not had the deſired effect: be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of March in the year one thouſand ſeven hundred and ſixty ſeven, when wheat ſhall not exceed the price of ſix ſhillings *per* hundred weight, barley the price of three ſhillings and nine pence *per* hundred weight, and oats the price of three ſhillings *per* hundred weight, any merchant or other perſon who ſhall put on ſhip board in Britiſh or Iriſh ſhipping, the maſter and two thirds of the mariners at leaſt being his Majeſty's ſubjects, any of the ſaid ſorts of corn in any port within this kingdom, when the rates ſhall not be higher than as before mentioned, with intent to export the ſame beyond the ſeas, except to the Iſle of Man, ſhall, after entering into ſuch bond and performing the ſeveral other requiſites directed by an act of Parliament made in this kingdom in the twenty ninth year of the reign of his late Majeſty King George the ſecond, have and receive from the collector or officer of ſuch port reſpectively, inſtead of the allowances to be made by virtue of the ſaid act, the rates, allowances, or premiums following, and no more, that is to ſay, for every hundred weight of wheat eight pence; for every hundred weight of barley five pence; for every hundred weight of oats five pence; which ſaid ſeveral ſum or ſums of money reſpectively ſuch collector or officer is hereby authorized and required to pay to ſuch exporter upon demand without requiring or taking any cuſtom, fee, or reward for ſuch corn ſo laden to be exported any law, ſtatute, or uſage to the contrary notwithſtanding. *Expired.*

II. And be it enacted by the authority aforeſaid, That from and after the firſt day of March in the year one thouſand ſeven hundred and ſixty ſeven all preſentments of the rates or prices of corn ſhall be by the ſtone weight.

III. And be it enacted by the authority aforeſaid, That if any grand jury of any county within this kingdom, or any grand jury of any county of a city or county of a town, ſhall at any general quarter ſeſſions fail to enquire upon oath and preſent ſuch rates or prices, the juſtices of the peace attending ſuch quarter ſeſſions are hereby impowered and required to fine every grand juror offending herein in any ſum not exceeding forty ſhillings; and ſhall cauſe ſuch fine to be eſtreated into

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his Majesty's court of Exchequer; for the recovery whereof such process shall issue, as in such cases is usual.

IV. And be it enacted by the authority aforesaid, That the said rates, allowances, and premiums shall and may be paid from the first day of March to the first day of September both inclusive, and shall not be in any other part of the year.

V. And be it enacted by the authority aforesaid, That every person, who shall export wheat, barley, or oats from the port of Dublin, shall, before he receives any of the said premiums or allowances, make oath before the officer paying such premiums or allowances, that he verily believes, no premium or allowance had been given for bringing the said wheat, barley, or oats, or any part thereof to the said city of Dublin under the acts, made in this kingdom for granting premiums upon the inland carriage of corn, or any of them, and shall also set forth in the said affidavit the county or counties, and parish or parishes, in which, he verily believes, the said corn grew.

VI. Provided always, and be it enacted by the authority aforesaid, That the lord lieutenant or other chief governor or governors for the time being and privy council shall be empowered to suspend the payment of the said premiums or allowances, or any of them, from the said port of Dublin.

VII. And be it further enacted by the authority aforesaid, That this act shall continue in force until the first day of March, which will be in the year of our Lord one thousand seven hundred and seventy two, and no longer.

CHAP. XX.

An Act for erecting and establishing Publick Infirmaries or Hospitals in this Kingdom.

Amended by 13 & 14 G. 3. c. 43. 15 & 16 G. 3. c. 31. 17 & 18 G. 3. c. 15. and extended by 21 & 22 G. 3. c. 13. and by 25 G. 3. c. 39. s. 40.

WHEREAS providing receptacles in the several counties of this kingdom herein after mentioned for the poor, who are infirm and diseased, would be a means of restoring the health and preserving the lives of many of his Majesty's subjects, of promoting labour and industry, and of encouraging the manufactures of this kingdom: be it enacted by the King's most excellent Majesty by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That his

The Primate, lord Chancellor, rector or vicar, a perpetual corporation for eſtabliſhing publick infirmaries in certain counties,

grace the archbiſhop of Armagh, the lord high chancellor for the time being, the biſhop of the dioceſe and rector or vicar of the pariſh for the time being, wherein any ſuch infirmary or hoſpital, as is herein after mentioned, ſhall be ſituated, ſhall from and after the twenty fourth day of June one thouſand ſeven hundred and ſixty ſix, within their ſeveral and reſpective counties, for ever in name and fact be ſeveral bodies politick and corporate in law to all intents and purpoſes, and more eſpecially for the purpoſe of erecting or eſtabliſhing publick infirmaries or hoſpitals in the ſeveral and reſpective counties herein after mentioned (that is to ſay) in the counties of Armagh, Cavan, Down, Fermanagh, Londonderry, Monaghan, Tyrone, Carlow, Kilkenny, King's County, Longford, Lowth, Leitrim, Queen's County, Weſtmeath, Wexford, Wicklow, Clare, Kerry, Limerick, Galway, Roſcommon, and Sligo; the ſaid ſeveral infirmaries or hoſpitals to be erected or eſtabliſhed in ſuch places reſpectively, as ſhall be approved of by the reſpective corporations of ſaid counties, in the ſeveral and reſpective county towns, or at a diſtance not exceeding one mile from the court houſe in the county town of each and every of the ſaid counties; excepting the counties of Meath, Antrim, Donegal Kildare, Cork, Mayo, and Tipperary; the infirmaries or hoſpitals for the ſaid laſt mentioned counties, to be erected and eſtabliſhed in the ſeveral and reſpective towns hereinafter mentioned; (that is to ſay) the infirmary or hoſpital for the county of Meath to be erected or eſtabliſhed in the town of Navan in that county; for the county of Antrim in the town of Liſburne in that county; for the county of Cork in the town of Mallow in that county; for the county of Mayo in the town of Caſtlebar in that county; for the county of Donegal in the town of Letterkenny in that county; for the county of Kildare in the town of Kildare in that county; for the county of Tipperary in the city of Caſhel in that county.

erected as appointed by the reſpective corporation in the county towns, or not above 1 mile from the court houſe,

counties excepted, wherein erected in particular places named.

Donor of 20 guineas a member reſpectively,

of 3 guineas a member for 1 year from 24 June after,

called governors, &c. perpetual ſucceſſion,

II. And be it further enacted by the authority aforeſaid, That every donor of any ſum, not leſs than twenty guineas, to any of the ſaid infirmaries or hoſpitals ſhall from the time of ſuch donation be a member of the body corporate for ſuch reſpective infirmary or hoſpital; and every perſon, who ſhall ſubſcribe and pay any ſum, not leſs than three guineas, for the uſe of any of the ſaid infirmaries or hoſpitals, ſhall be a member of the body corporate for ſuch reſpective infirmary or hoſpital for one year from the twenty fourth day of June next following ſuch ſubſcription and payment; which ſaid ſeveral bodies politick and corporate ſhall have perpetual ſucceſſion, and be called the governors and governeſſes of the reſpective

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county infirmaries or hoſpitals in this kingdom; and ſhall be enabled to plead and be impleaded, and to ſue and be ſued by thoſe names of incorporation reſpectively, and ſhall and may have a common ſeal for their uſe, and may without licence in mortmain purchaſe, take, and receive any lands, tenements, or hereditaments whatſoever, not exceeding the annual value of two hundred pounds, and ſhall and may be capable of taking gifts, grants, contributions, and benefactions to any amount in perſonal property, in truſt for the ſole uſe and benefit of the infirmary or hoſpital of the particular county, to which ſuch benefactions ſhall be made; and ſhall have power to employ the ſame for the uſe of the ſaid infirmary or hoſpital in ſuch manner, as they ſhall judge proper, unleſs the donor ſhall direct the manner of applying ſuch benefaction, in which caſe the directions of the donor ſhall be obſerved, and ſhall and may receive all donations and ſubſcriptions for the ſupport of the ſaid infirmaries or hoſpitals, until ſuch time as a treaſurer ſhall be appointed in the manner and for the purpoſes herein after mentioned.

ſue and be ſued,
have common ſeal,
purchaſe lands 200l. yearly,
perſonal to any amount, in truſt for the infirmary,
and employ, unleſs by donor directed,
receive donations till treaſurer appointed.

III. And be it further enacted by the authority aforeſaid, That all tenants for life with remainders to the firſt and other ſons in tail ſhall be and are hereby impowered to make fee farm grants or leaſes in perpetuity to the reſpective governors or governeſſes of each county infirmary or hoſpital of any quantity of ground, not exceeding two acres, or of one or more houſes contiguous with each other, at the full improved rent; which fee farm grants and leaſes the ſaid governors ſhall, and are hereby impowered to take reſpectively for building and erecting an infirmary or hoſpital for each reſpective county on ſuch ground, or for converting ſuch houſe or houſes into an infirmary or hoſpital for ſuch reſpective county.

Tenants for life remainder to iſſue in tail may grant or leaſe in perpetuity at full improved rent two acres or houſe or houſes contiguous,
Governors impowered to take for an infirmary.

IV. And be it further enacted by the authority aforeſaid, That as ſoon as an infirmary or hoſpital ſhall be erected or eſtabliſhed in any of the ſaid counties, and fit for the reception of patients, the governors or governeſſes ſhall give notice in two of the Dublin news papers, that ſuch infirmary or hoſpital is ready for the reception of patients, and that they will on a certain day (which ſhall be twenty one days at leaſt from the date of the ſaid notice, and ſpecifying the time and place) proceed to the election of a ſurgeon for the ſaid infirmary or hoſpital; and that no perſon ſhall be capable of being elected, who ſhall not have ſerved a regular apprenticeſhip of five years to a ſurgeon, and have likewiſe undergone an examination before the ſurgeon general, the viſiting ſurgeon, the two aſſiſtant ſurgeons, and the reſident ſurgeon of doctor Stephen's hoſpital, and

When fit for patients notice in 2 Dublin papers of time and place of electing a ſurgeon within 21 days,
ſurgeon qualified on certificate of ſerving regularly 5 years and being properly examined.

and the five ſenior ſurgeons of Mercer's hoſpital, both ſituate in the city or ſuburbs of Dublin, or ſuch a number of them as they ſhall at any time appoint to make ſuch examination; and ſhall produce a certificate from the ſaid examiners, or the major part of them, that he hath ſerved an apprenticeſhip of five years to a ſurgeon, and hath undergone a proper examination as aforeſaid, and is in all reſpects qualified to be a ſurgeon to the ſaid infirmary or hoſpital; and in caſe of a vacancy of a ſurgeon in any of the ſaid infirmaries or hoſpitals the governors and governeſſes ſhall proceed to elect in the manner and form aforeſaid.

ſo elected on vacancy.

V. And be it further enacted by the authority aforeſaid, That the ſurgeon, ſo to be choſen and appointed as aforeſaid for the ſaid reſpective county infirmaries or hoſpitals, ſhall each of them be paid by the year a ſum not exceeding one hundred pounds, to be paid out of the publick money; which ſum of one hundred pounds ſhall be applied either to phyſician or ſurgeon, or other uſe of the infirmary or hoſpital, as the ſaid governors or governeſſes ſhall think proper, and to commence from the time when each reſpective phyſician or ſurgeon ſhall enter upon his office, and obtain a certificate thereof from the treaſurer of ſuch reſpective infirmary or hoſpital; which ſaid ſum of one hundred pounds ſhall be paid half yearly by the vice treaſurer or vice treaſurers of this kingdom, his or their deputy or deputies, each treaſurer of ſuch hoſpital or infirmary as aforeſaid reſpectively giving his receipts for the ſame; which receipts ſhall be allowed as vouchers to ſuch vice treaſurer or vice treaſurers, his or their deputy or deputies, in paſſing his or their accounts.

Not above 100l. a year to each ſurgeon out of publick money,

applied to phyſician or ſurgeon or other uſe of infirmary from entering on office and treaſurer's certificate,

paid half yearly by vice treaſurer, whoſe receipts allowed in accounts.

VI. And be it further enacted by the authority aforeſaid, That the grand jury of each of the aforeſaid counties ſhall at the firſt ſummer aſſizes, after each infirmary or hoſpital ſhall be fit for the reception of patients, and at every ſummer aſſizes after, preſent a ſum not exceeding one hundred pounds, nor leſs than fifty pounds, to be raiſed upon each county at large, and paid to the treaſurer of each reſpective county, to be by him paid over to the treaſurer of each reſpective infirmary or hoſpital on his drafts or receipts; which drafts or receipts ſhall be allowed as vouchers to the ſaid reſpective county treaſurers in the paſſing their reſpective accounts; and which money ſhall be applied by the governors and governeſſes of the reſpective infirmaries or hoſpitals in providing food, medicines, and other neceſſaries for the patients, in repairing the reſpective buildings and the furniture thereof, and in paying the rents of the ſeveral infirmaries or hoſpitals.

County preſentment every ſummer aſſiſes not above 100l. nor under 50l. paid to county treaſurer, and by him to infirmary treaſurer,

applied for food, medicines, and neceſſaries, repairs, furniture, and rents.

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5 governors a *quorum*, 4 quarterly meetings at the infirmary, elect or remove ſurgeon and ſervants, and regulate the whole, appoint ſtanding committees in intervals, and by like advertiſement ſummon general boards to ſupply vacancies.

VII. And be it further enacted by the authority aforeſaid, That the governors and governeſſes of each reſpective infirmary (five of whom ſhall be a *quorum*) ſhall have four general quarterly meetings in every year at ſuch reſpective infirmary or hoſpital; and ſhall at any general meeting have power to elect or remove a phyſician, or ſurgeon, and ſervants, and to order and regulate the whole œconomy and expences of ſuch reſpective infirmaries or hoſpitals, and ſhall have power to appoint ſtanding committees to inſpect the management thereof in the intervals between the general meetings; and in caſe of a vacancy of a phyſician or ſurgeon by death or otherwiſe to ſummon by advertiſement in two of the Dublin news papers general boards on thoſe particular occaſions for the purpoſe of ſupplying every ſuch vacancy; at which general boards five ſhall be a *quorum*.

Treaſurer appointed at general board, to receive donations, act without fee, accountable at meeting, ſued by governors for ſums received.

VIII. And be it further enacted by the authority aforeſaid, That the governors and governeſſes of each reſpective infirmary or hoſpital at their firſt general meeting, and from time to time thereafter at any general board, as occaſion ſhall require, ſhall and are hereby impowered to appoint a treaſurer of the ſaid infirmary or hoſpital; who ſhall receive all annual ſubſcriptions and donations for the benefit of the ſaid infirmary or hoſpital, and ſhall act without fee or reward, and be accountable to the governors and governeſſes at their four general quarterly meetings: and that the ſaid governors and governeſſes ſhall and may ſue and recover from ſuch treaſurer all ſums by him received for the benefit of ſuch infirmary or hoſpital.

No patient admitted but on certificate of a governor, on ſudden accident diſcretionary in the phyſician or ſurgeon, admitted by priority of recommendation, certificates preſerved as vouchers.

IX. And be it further enacted by the authority aforeſaid, That no patient ſhall be admitted into any of the ſaid infirmaries but upon a written recommendation from one of the governors or governeſſes of the ſaid infirmary or hoſpital, certifying that ſuch a perſon is a proper object of the ſaid charity, except in caſes of ſudden accidents, which may require immediate relief; in which caſes it ſhall be diſcretionary in the phyſician or ſurgeon of the ſaid infirmary or hoſpital to receive or reject ſuch patient; and in caſe it ſhall happen, that more patients ſhall be ſo recommended, than any of the ſaid infirmaries or hoſpitals ſhall be capable of receiving, then the phyſician or ſurgeon ſhall admit them according to the priority of their ſeveral recommendations; and the certificates ſhall be carefully preſerved by the reſpective phyſicians and ſurgeons as vouchers, that the patients were admitted in the manner aforeſaid.

Cork.

X. And whereas two publick infirmaries or hoſpitals have been erected in the city of Cork one called the north and the other the ſouth infirmary, and are only ſupported by voluntary ſubſcriptions; which ſubſcriptions are not ſufficient for providing

viding phyſicians or ſurgeons, and alſo food, medicines, and other neceſſaries for the poor patients therein: therefore be it enacted by the authority aforeſaid, That the yearly ſum of fifty pounds ſhall be paid out of the public money to the treaſurer of each of the ſaid infirmaries; and that the ſaid ſum of fifty pounds ſhall be paid half yearly by the vice treaſurer or vice treaſurers of this kingdom, his or their deputy or deputies; the firſt payment thereof to be made on the twenty fifth day of December next, each treaſurer reſpectively giving his receipts for the ſame; which receipts ſhall be allowed as vouchers to the ſaid vice treaſurer or vice treaſurers of this kingdom, his or their deputy or deputies, in paſſing his or their accounts.

50l. yearly out of publick money to each treaſurer of the 2 infirmaries in Cork.

XI. And be it further enacted by the authority aforeſaid, That the grand jury of the county of the ſaid city of Cork at the next ſummer aſſizes after the end of this preſent ſeſſion of Parliament, and at every ſummer aſſizes afterwards, ſhall have power to preſent a ſum not exceeding one hundred pounds, nor leſs than fifty pounds, to be raiſed on the county of the ſaid city, and paid to the treaſurer thereof, to be by him paid over to the treaſurers of the ſaid infirmaries (to wit) a ſum not exceeding fifty pounds to the treaſurer of the ſaid north infirmary, and a ſum not exceeding fifty pounds to the treaſurer of the ſaid ſouth infirmary, on their reſpective drafts or receipts; which drafts or receipts ſhall be allowed as vouchers to the treaſurer of the county of the ſaid city in the paſſing of his accounts.

Preſentment for Cork city every ſummer aſſizes not above 100l. nor under 50l. paid over to each treaſurer, and allowed in accounts.

XII. And be it enacted by the authority aforeſaid, That the money ſo to be paid by the vice treaſurer or vice treaſurers of this kingdom, his or their deputy or deputies, to the treaſurer of each of the ſaid infirmaries, ſhall be applied by the governors and governeſſes of the ſaid infirmaries in payment of phyſicians or ſurgeons for the ſame, or for ſuch other purpoſes as the governors and governeſſes of the ſaid infirmaries ſhall reſpectively find adviſeable for the benefit of the ſaid infirmaries, and the patients therein; and that the money ſo to be raiſed by the grand jury of the county of the ſaid city, and to be paid to the treaſurer of each of the ſaid infirmaries, ſhall be applied by the governors and governeſſes of the ſame in providing food, medicines and other neceſſaries for the patients, in repairing the ſaid infirmaries and the furniture thereof, and in paying the rents of the ſaid infirmaries.

Applied by the reſpective governors as aforeſaid,

XIII. And whereas three publick infirmaries or hoſpitals have been erected in city of Dublin, one called the Charitable Infirmary on the Inns quay, another Mercer's Hoſpital in ſaint Stephen ſtreet, and a third the Hoſpital for Incurables on La-

Dublin,

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zers hill and are ſupported by voluntary ſubſcriptions, which ſubſcriptions are not ſufficient for providing phyſicians or ſurgeons, and alſo food, medicines, and other neceſſaries for the poor patients therein: therefore be it enacted by the authority aforeſaid, That the yearly ſum of one hundred and fifty pounds ſhall be paid out of the publick money to the treaſurers of the ſaid Charitable Infirmary, Mercer's Hoſpital, and the Hoſpital for Incurables, to be equally divided between the ſaid Infirmary and Hoſpitals; the ſaid ſum of one hundred and fifty pounds ſhall be paid half yearly by the vice treaſurer or vice treaſurers of this kingdom, his or their deputy or deputies; the firſt payment thereof to be made on the twenty fifth day of December next, each treaſurer reſpectively giving his receipts for the proportion he ſhall receive of the ſame; which ſaid receipts ſhall be allowed as vouchers to the ſaid vice treaſurer or vice treaſurers of this kingdom, his or their deputy or deputies, in paſſing his or their accounts.

150l. out of publick money yearly equally divided between the 3 infirmaries in Dublin, paid half yearly.

XIV. And be it further enacted by the authority aforeſaid, That the grand jury of the county of the ſaid city of Dublin at the next Trinity term after the end of this preſent ſeſſion of Parliament, and at every Trinity term afterwards, ſhall have power to preſent a ſum, not exceeding one hundred and fifty pounds, nor leſs than ſeventy five pounds, to be raiſed on the county of the ſaid city, and paid to the treaſurer thereof, to be by him paid over to the treaſurers of the ſaid Infirmary and hoſpitals; to wit, a ſum not exceeding fifty pounds to the treaſurer of the ſaid Charitable Infirmary, a ſum not exceeding fifty pounds to the treaſurer of the ſaid Mercer's hoſpital; and a ſum not exceeding fifty pounds to the treaſurer of the ſaid Hoſpital for Incurables, on their reſpective drafts or receipts; which drafts or receipts ſhall be allowed as vouchers to the treaſurer of the county of the ſaid city in the paſſing of his accounts.

Preſentment for Dublin city every Trinity term, not above l. nor under 75l. paid over to treaſurer of each infirmary.

XV. And be it enacted by the authority aforeſaid, That the money ſo to be paid by the vice treaſurer or vice treaſurers of this kingdom, his or their deputy or deputies, to the treaſurers of each of the ſaid infirmary and hoſpitals, ſhall be applied by the governors and governeſſes of the ſaid infirmary and hoſpitals in payment of phyſicians and ſurgeons for the ſame, or for ſuch other purpoſes as the governors or governeſſes of the ſaid infirmary or hoſpitals ſhall reſpectively find adviſeable, for the benefit of the ſaid infirmary or hoſpitals, and the patients therein; and that the money ſo to be raiſed by the grand jury of the county of the ſaid city, and to be paid to the treaſurer of each of the ſaid infirmary and hoſpitals, ſhall be applied by

Applied by reſpective governors as aforeſaid.

the

the governors and governeſſes of the ſame in providing food, medicines, and other neceſſaries for the patients, in repairing the ſaid infirmary and hoſpitals, and the furniture thereof, and in paying the rents of the ſaid infirmary and hoſpitals. A. D. 1765.

CHAP. XXI.

An Act for the better regulating of Trials in Caſes of High Treaſon under the Statute of the twenty fifth of Edward the third.

WHEREAS it is highly reaſonable and agreeable to the nature of our excellent conſtitution, that perſons proſecuted for high treaſon under the ſtatute of the twenty fifth of Edward the third ſhould be allowed all proper means for defence of their innocence: in order thereto, and for the better regulating of the trials of all ſuch perſons, be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of Auguſt in this year one thouſand ſeven hundred and ſixty ſix all and every perſon and perſons, who ſhall be accuſed and indicted for high treaſon under the ſaid ſtatute, ſhall have a true copy of the whole indictment delivered to them, or any of them, upon requeſt, five days at leaſt before he or they ſhall be tried for the ſame; whereby to enable them, or any of them reſpectively, to adviſe with council thereon to plead and make their defence, his or their attorney or attorneys, agent or agents, requiring the ſame, and paying the officer for ſuch copy two ſhillings and ſix pence, and no more.

Copy of indictment 5 days before trial on requeſt to accuſed of high treaſon under 25 E. 3.

paying 2s. and 6d.

II. And be it further enacted by the authority aforeſaid, That every ſuch perſon ſo accuſed and indicted, arraigned or tried, for any ſuch offence as aforeſaid, ſhall be received and admitted to make his and their full defence by council learned in the law; and the court, before whom ſuch perſon or perſons ſhall be tried, or any judge thereof, ſhall and is hereby authorized and required immediately upon his or their requeſt to aſſign to ſuch perſon or perſons ſuch and ſo many council, not exceeding two in number (as he or they ſhall deſire) to plead for and aſſiſt ſuch perſon or perſons in making their defence, any law or uſage to the contrary notwithſtanding.

May defend by counſel aſſigned by the court (not more than 2) immediately on requeſt.

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CHAP. XXII.

An Act for continuing and amending an Act, intitled, *An Act for the better regulating the Pariſh Watches, and amending Highways in this Kingdom, and for preventing the Miſapplication of Publick Money; and alſo for eſtabliſhing a regular Watch in the City of Dublin, and to prevent Miſchief which may happen by graving in the River Liffey*; and alſo for regulating the Watch in the town of Drogheda.

As to watch in city and liberties of Dublin, repealed by 26 G. 3. c. 22.

WHEREAS the funds, appointed for the ſupport and maintenance of a ſtrong and regular watch in the city of Dublin and the liberties thereof are inſufficient for that purpoſe; and by reaſon of the great concourſe of people from all parts of this kingdom to this city a ſtrong and well regulated watch is of great importance for the preſervation of the perſons and properties of the inhabitants of the ſaid city, and very neceſſary to prevent as well the miſchiefs which may happen from fires, as murders, burglaries, robberies, and other outrages and diſorders: we therefore, your Majeſty's moſt dutiful and loyal ſubjects, the commons of Ireland in Parliament aſſembled, do moſt humbly beſeech your Majeſty, that it may be enacted, and be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of May one thouſand ſeven hundred and ſixty ſix all and every the houſes within the ſaid city of Dublin and liberties thereof ſhall pay, and are hereby charged with, an additional ſum not exceeding the ſum of ſix pence, nor leſs than the ſum of three pence, for every pound of the yearly value of every ſuch houſe or houſes, over and above the ſum of ſixpence for every pound of the yearly value of every ſuch houſe or houſes charged by an act paſſed in the tenth year of his Majeſty King George the firſt, intitled, *An act for continuing and amending an act*, intitled, *An act for the better regulating the pariſh watches, and amending the highways in this kingdom; and for preventing the miſapplication of publick money; and alſo for eſtabliſhing a regular watch in the city of Dublin, and to prevent miſchiefs which may happen by graving ſhips on the river Liffey*; which ſaid act is revived and continued by an act paſſed in the firſt year of his preſent Majeſty, intitled, *An act for reviving, continuing, and amending ſeveral temporary ſtatutes, and for other purpoſes therein mentioned*; and that the ſaid additional

Houſes in Dublin and liberties charged with additional ſum not above 6d. nor under 3d. per l. of the yearly value beſides the 6d. per l. by 10 G. 1. 3. *ſec.* 9.

10 G. 1. 3. revived and continued 7 years by 1 G. 3. 17 *ſec.* 13.

tional charge of ſixpence and three pence for every pound of the yearly value of every ſuch houſe or houſes ſhall be applotted, levied, raiſed, and accounted for, agreeable to the regulations in the aforeſaid act of the tenth of his Majeſty King George the firſt, and ſhall be paid and applied to the ſeveral uſes, for which the ſame is payable by virtue of the act aforeſaid and this preſent act.

applotted, raiſed, & applied as by this and ſaid act.

II. And be it further enacted by the authority aforeſaid, That from and after the firſt day of May one thouſand ſeven hundred and ſixty ſix it ſhall and may be lawful for the ſuperviſors or directors of the watch, or the uſual quorum of them, in their reſpective pariſhes to erect or provide a commodious room with proper conveniencies, and a round houſe in every pariſh contiguous to the watch houſe of the ſaid pariſh, where the ſame are not already erected or provided; and that it ſhall and may be lawful for the directors or ſuperviſors, or the uſual quorum of them, and they are hereby required, ſo to appoint the places and ſtands of the watchmen in their reſpective pariſhes, as that they may beſt hold correſpondence with each other, and with the watchmen of the adjoining pariſhes; and in default of ſuch appointment the lord mayor of the ſaid city for the time being ſhall appoint and aſcertain the ſaid ſtands; and that it ſhall and may be lawful for the ſaid ſuperviſors or directors, or the uſual quorum of them, and they are hereby further required, to nominate and appoint one or more inſpectors, not exceeding three in number, in their reſpective pariſhes; which inſpectors ſhall by virtue of their offices be conſtables, and be ſworn as ſuch into office, and ſhall be exempt from publick duties, ſuch only excepted as the ſuperviſors or directors ſhall direct; and ſuch inſpectors ſo appointed ſhall viſit the watch houſes in their reſpective pariſhes, and make returns ſigned by them reſpectively to the lord mayor of the ſaid city, and to the directors or ſuperviſors of the watch, of the condition of the watch at ſuch times, and be ſubject to ſuch orders and regulations, as the directors or the uſual quorum in their reſpective pariſhes ſhall appoint; and that it ſhall be lawful for the directors or ſuperviſors in their reſpective pariſhes to allow a ſalary not exceeding ten pounds *per annum* to every ſuch inſpector, and to remove ſuch inſpectors as ſhall appear to neglect their duty, and immediately appoint others in their places.

Superviſors or uſual quorum of them to erect watch and round houſe contiguous, where none,

and appoint ſtands ſo as to correſpond,

on default the lord mayor.

Superviſors to nominate inſpectors, not above 3; conſtables by office, ſworn, exempt from other publick duties,

to viſit watch-houſes, make returns to lord mayor and ſuperviſors and ſubject to their orders,

ſalary not above 10l. each,

removed on neglect, and others appointed.

III. And be it further enacted by the authority aforeſaid, That the watchmen in the night ſhall be under the inſpection and controul of the ſaid ſuperviſors or directors, the inſpectors and the conſtables of the reſpective pariſhes; which ſaid conſtables in their turns are hereby required to ſet and place their

Watchmen by night under their controul,

conſtables in turns to ſet watch at 8 till 7 from 1ſt

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their watch at eight o'clock in the night exactly, and continue their watch till ſeven in the morning from the firſt day of November to the firſt day of February, and from the firſt day of February to the firſt day of May at nine o'clock, and to continue their watch till ſix in the morning, and from the firſt day of May to the firſt day of Auguſt at ten o'clock, and to continue their watch till five in the morning, and from the firſt day of Auguſt to the firſt day of November at nine o'clock, and to continue their watch till ſix in the morning, in every year.

Nov. to 1ſt Feb. to 1ſt May at 9 till 6; to 1ſt Aug. at 10 till 5; to 1ſt Nov. at 9 till 6.

Lord mayor and ſeneſchals every 1ſt Nov. and May, except Sunday, review the watch, and diſmiſs thoſe unfit.

IV. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for the lord mayor of the city of Dublin within the ſaid city, and for the reſpective ſeneſchals of the manors or liberties of Saint Sepulchres, Thomas Court, and Donore in their reſpective manors or liberties, and they are hereby required, on every firſt day of November, unleſs the ſame ſhall happen on a Sunday, and in ſuch caſe on every ſecond day of November, and on every firſt day of May unleſs the ſame ſhall happen on a Sunday, and in ſuch caſe on every ſecond day of May, and at other times as often as ſhall to them ſeem convenient or neceſſary, and inſpect and publickly review the watch of the ſaid city, and manors or liberties; and in caſe any ſhall appear unfit for ſervice from age, infirmity, or other cauſes, they ſhall in their reſpective juriſdictions diſmiſs ſuch perſons from ſerving as watchmen.

Inn or alehouſe keepers or papiſts not to be ſupervifors,

V. And be it further enacted by the authority aforeſaid, That from and after the firſt day of May one thouſand ſeven hundred and ſixty ſix no perſon or perſons keeping publick inns, ale houſes, or houſes of entertainment, or papiſts, ſhall be qualified to act as ſupervifors or directors of the watch; and that no perſon ſhall act as deputy conſtable, who ſhall not, after he is choſen by the church wardens and pariſhioners or the major part of them, be recommended by the ſupervifors or directors, or the uſual quorum, in their reſpective pariſhes to the lord mayor for the time being as a fit perſon to ſerve in the ſaid office, and be approved by the ſaid lord mayor.

deputy conſtables recommended by ſupervifors to, and approved by lord mayor.

Church-wardens in 3 months after Eaſter Tueſday to enter into office, collect and pay watch money to ſupervifors, for uſes of this and ſaid act.

VI. And be it further enacted by the authority aforeſaid, That from and after the firſt day of May one thouſand ſeven hundred and ſixty ſix the church wardens of every pariſh in their reſpective pariſhes ſhall within three months after every Eaſter Tueſday enter into office, and collect and pay over the watch money of their reſpective pariſhes to the ſupervifors or directors of the watch; which money ſo paid over ſhall be applied to the uſes in this and the aforeſaid former act contained, and to no other uſe whatſoever; and that it ſhall and may be lawful for the church wardens and pariſhioners of every pariſh, or the major

part

part thereof, in their reſpective pariſhes to make ſuch proviſion for ſuperannuated watchman or watchmen maimed in their ſervice of watchmen, or therein otherwiſe rendered incapable of further ſervice, who ſhall be recommended by the ſupervifors or directors of the watch, as ſhall be ſuitable to the ſtate of the fund for ſupporting a regular watch, and the merit and circumſtances of the watchmen ſo recommended.

Proviſion for watchmen ſuperannuated, &c. recommended by ſupervifors.

VII. Provided always, That no perſon whatſoever, who ſhall be diſmiſſed from his office of watchman for neglect or any other offence, ſhall be intitled to any relief or proviſion out of the ſaid fund.

Not for thoſe diſmiſſed for neglect, &c.

VIII. And be it further enacted by the authority aforeſaid, That the ſeveral bridges on the river Anna Liffey ſhall be watched and guarded by watchmen of the pariſhes next adjoining the ſaid bridges; which watchmen ſhall be ſo many in number, and ſubject to ſuch regulations, as the lord mayor for the time being ſhall appoint.

Bridges guarded by watch of adjoining pariſhes, as by lord mayor appointed.

IX. And be it further enacted by the authority aforeſaid, That if it ſhall be found, that any ſurplus ſhall ariſe from the money collected by virtue of this and the aforeſaid act, over and above what ſhall be neceſſary for the ſupporting and maintaining a regular watch, and carrying into execution the purpoſes of this and the aforeſaid act, ſuch ſurplus money ſhall be diſpoſed of for the uſe and benefit of the reſpective pariſh, where ſuch ſurplus ſhall ariſe, by the church wardens and pariſhioners of ſuch pariſh, or the major part thereof, in ſuch manner as they by any act of veſtry ſhall direct and appoint.

Surplus money to uſe of the pariſh, as by act of veſtry.

X. And whereas the pariſh watches in the county of the town of Drogheda, as ſettled by an act paſſed in the ſixth year of the reign of his late Majeſty King George the firſt, intitled, *An act for the better regulating the pariſh watches, and amending the highways in this kingdom, and for preventing the miſapplication of publick money*, are found very oppreſſive to the inhabitants in the ſaid county living without the gates and walls of the ſaid town: be it enacted by the authority aforeſaid, That from the laſt day of the ſeveral adjournments of next July ſeſſions for ſaid town and county the inhabitants within the walls of ſaid town, and the owners and occupiers of the ſeveral yards, warehouſes, and cellars in the ſaid town, ſhall pay yearly for every houſe inhabited, and for every yard and every warehouſe or cellar occupied, the ſum of four pence for every pound of the yearly value of ſaid houſe, warehouſe, yard, or cellar, according to the rent ſuch houſe, yard, warehouſe, or cellar might reaſonably ſet for to a ſolvent tenant; which ſhall be in lieu of all taxes or duties, heretofore payable or demandable for watch-

Drogheda.

6 G. 1. 10. recited.

inhabitants within the walls, yards, warehouſes, cellars, to pay 4d. per l. of yearly value, as to a ſolvent tenant, in lieu of all watch money,

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ing or watch money by or from the inhabitants within the ſaid walls; the ſaid ſum of four pence to be raiſed, paid, and accounted for, as is directed as to the city of Dublin by an act of Parliament paſſed in this kingdom in the tenth year of the reign of his late Majeſty King George the firſt, intitled, *An act for continuing and amending an act*, intitled, *An act for the better regulating the pariſh watches, and amending the highways in this kingdom, and for preventing the miſapplication of publick money, and alſo for eſtabliſhing a regular watch in the city of Dublin, and to prevent miſchiefs which may happen by graving ſhips in the river Liffey*; the ſaid yearly value of all ſuch houſes, yards, warehouſes, and cellars, to be ſettled by the juſtices of the peace of the ſaid county and town of Drogheda at every July ſeſſions, or at ſome adjournment thereof, to be held in open court; which court of ſeſſions ſhall have the ſame powers in every reſpect, that the lord mayor and the ſeveral veſtries in the ſaid city of Dublin have by virtue of the ſaid act, and in every reſpect to regulate and appoint the management thereof.

as by 10 G. 1. 3.

value ſettled every July ſeſſions or adjournment,

with ſame powers as lord mayor and veſtries in Dublin have.

XI. And be it further enacted by the authority aforeſaid, That this act ſhall be in force from the firſt day of May one thouſand ſeven hundred and ſixty ſix.

Commencement 1ſt May 1766.

CHAP. XXIII.

An Act for the Relief of Inſolvent Debtors.

Expired. 7 G. 3. 5.

WHEREAS ſeveral perſons, whoſe names are mentioned in a liſt hereunto annexed, are now confined for debt in ſeveral goals of this kingdom, and were in actual cuſtody on the firſt day of February laſt: and whereas it is reaſonable to make ſome proviſion for the relief of ſuch of them, as ſhall be willing to ſatisfy their creditors to the utmoſt of their power, for which purpoſes be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of June one thouſand ſeven hundred and ſixty ſix it ſhall and may be lawful to and for all or any of the priſoners in the ſaid liſt mentioned before the end of trinity term, which ſhall be in the year of our lord one thouſand ſeven hundred and ſixty ſeven, to exhibit a petition to any court of law from whence the proceſs iſſued, upon which ſuch priſoners were or ſhall be reſpectively confined in execution, or to the court into which any ſuch priſoners have been or ſhall be removed by *habeas corpus*, ſetting forth a juſt and true account of all the

real and perſonal eſtate, of which he, ſhe, or they ſo petitioning, or any perſon or perſons in truſt for him, her, or them, is, are, or ſhall be intitled to at the time of his, her, or their ſo petitioning, and of all incumbrances and charges (if any there be) affecting the ſame, and alſo a juſt and true account of all the real and perſonal eſtate, which he, ſhe, or they, ſo petitioning, or any perſon or perſons in truſt for him, her, or them, or for his, her, or their uſe, was or were intereſted in or intitled unto at the time of his, her, or their firſt impriſonment in the action on which ſuch perſon or perſons is or are in cuſtody, in poſſeſſion, reverſion, remainder or expectancy, to the beſt of the belief of every ſuch priſoner or priſoners, and ſo far as his, her, or their reſpective knowledge extends concerning the ſame; and likewiſe a juſt and true account of all ſecurities, wherein any part of the eſtates of any ſuch priſoner or priſoners conſiſts, of all the deeds, evidences, writings, books, bonds, notes, and papers concerning the ſame, or relating thereto, and in whoſe hands the ſame reſpectively are, and the names and places of abode of the witneſſes to all ſuch ſecurities, bonds, and notes, and where they are to be reſpectively met with, ſo far as his, her, or their knowledge extends concerning the ſame; and before any ſuch petition ſhall be received by any ſuch court, every ſuch priſoner or priſoners ſhall cauſe to be given or left unto or for all and every the creditor or creditors, at whoſe ſuit any ſuch priſoner or priſoners ſtand charged, or his, her, or their executors or adminiſtrators, and at his, her, or their uſual place of abode, or to, or for his, her, or their attorney or agent laſt employed in any ſuch action or actions, in caſe any ſuch creditor or creditors, his, her, or their executors or adminiſtrators, cannot be met with, but not otherwiſe, fourteen days at leaſt before any ſuch petition ſhall be preſented and received, a notice in writing ſigned with the proper name or mark of every ſuch priſoner or priſoners, importing therein that ſuch priſoner or priſoners doth or do intend to petition the court, from whence the proceſs iſſued, upon which he, ſhe, or they ſtand charged in execution, or into the priſon to which any ſuch priſoner has been moved by *habeas corpus*, or ſtands charged in execution, and alſo ſetting forth in every ſuch notice a true copy of the account or ſchedule, including the whole real and perſonal eſtate of the perſon or perſons ſo deſigning to petition, which he, ſhe, or they doth or do intend to deliver into any ſuch court, except the neceſſary wearing apparel and bedding of ſuch priſoner or priſoners, and his, her, or their family, and the tools or inſtruments of his, her, or their calling or trade, not exceeding ten pounds in value in the whole, and an

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affidavit of the due ſervice of every ſuch notice ſhall be delivered with every ſuch petition at the time of preſenting thereof, and openly read in the court, to which any ſuch petition ſhall be addreſſed; and if ſuch court ſhall thereupon be ſatisfied of the regularity of every ſuch notice, ſuch petition ſhall be received; and ſuch court ſhall thereupon by order or rule cauſe the priſoner or priſoners ſo petitioning to be brought up to ſuch court on ſome certain day in ſuch order ſpecified, and the creditor or creditors, at whoſe ſuit any ſuch priſoner or priſoners ſtand charged, his, her, or their executors or adminiſtrators, to be ſummoned to appear perſonally, or by his, her, or their attorney, in ſuch court at ſome certain day to be ſpecified in ſuch order for that purpoſe; and if any creditor or creditors of any ſuch priſoner or priſoners, who ſhall be ſo ſummoned, his, her, or their executors or adminiſtrators ſhall appear in perſon or by his, her, or their attorney, or if any ſuch creditor or creditors, his, her, or their executors or adminiſtrators, ſhall refuſe or neglect to appear in perſon, or by his, her, or their attorney, then upon affidavit of the due ſervice of ſuch order or rule on him, her, or them, or his, her, or their attorney, if any ſuch creditor or creditors, his, her, or their executors or adminiſtrators, cannot be met with, ſuch court ſhall in a ſummary way examine into the matter of ſuch petition, and hear, what can or ſhall be alledged on either ſide for or againſt the diſcharge of any ſuch priſoner or priſoners, who ſhall ſo petition; and upon ſuch examination every ſuch court is hereby required to adminiſter to the priſoner or priſoners reſpectively, who ſhall ſo petition, an oath, or, if the perſon be of the people called quakers, an affirmation, to the effect following (that is to ſay)

I A. B. *do ſwear in the preſence of almighty God, (if a quaker, I do affirm) that the account by me ſet forth in my petition preſented to this honourable court, doth contain a full and true account of all the real and perſonal eſtate, debts, credits, and effects whatſoever, which I or any in truſt for me at the time of my firſt impriſonment in this action or at any time ſince had, or was in any reſpect intitled to in poſſeſſion, reverſion, or remainder, except the wearing apparel and bedding of or for me and my family, and the tools or inſtruments of my trade or calling, not exceeding ten pounds in value in the whole; and alſo an account how much of my real and perſonal eſtate hath ſince been diſpoſed of, releaſed, or diſcharged, and how, and to whom, and on what conſideration, and for what purpoſe, and how much thereof I or any perſon or perſons in truſt for me have, or at the time of preſenting my ſaid petition to this honourable court had, or which I am, or any*

any perſon in truſt for me or for my uſe is, any ways intereſted in or intitled to in poſſeſſion, reverſion, remainder or expectancy; and alſo a true account of all deeds, writings, books, papers, ſecurities, bonds, and notes relating thereto, and where the ſame reſpectively now are, and in whoſe hands to the beſt of my knowledge, and belief, and what charges are now affecting the real eſtate, I am now ſeized of or intitled to (if any ſuch priſoner ſhall be then ſeized of any real eſtate) and that I have not at any time, before or ſince my impriſonment directly or indirectly ſold, leaſed, aſſigned, mortgaged, pawned, or otherwiſe diſpoſed of, or made over in truſt for myſelf or otherwiſe, than is mentioned in ſaid account, any part of my real or perſonal eſtate, whereby to have or accept any benefit, advantage, or profit to myſelf or my family, or with any view, deſign, or intent to deceive, injure, or defraud any of my creditors.

So help me God.

II. And in caſe any ſuch priſoner or priſoners ſhall in open court take the ſaid oath, ſuch court may then immediately order the real and perſonal eſtate contained in ſuch account, or ſo much thereof as may be ſufficient to ſatisfy the debt or debts, wherewith any ſuch priſoner or priſoners ſtand charged in execution, and the fees due to the ward marſhal, or keeper of the gaol or priſon from which any ſuch priſoner was brought, to be by a ſhort indorſement on the back of ſuch petition, and to be ſigned by the priſoner, aſſigned and conveyed to the creditor or creditors, who has or ſhall have charged any ſuch priſoner in execution, (if more than one) his, her, or their heirs, executors, adminiſtrators, or aſſigns, for the benefit of him, her, or them, ſubject nevertheleſs to all prior incumbrances affecting the ſame; and the eſtate intereſt, and property of ſuch real and perſonal eſtate, which ſhall belong to any ſuch priſoner, ſhall by ſuch aſſignment and conveyance be veſted in the perſon or perſons, to whom ſuch aſſignment or conveyance ſhall be made, according to the eſtate and intereſt ſuch priſoner or priſoners had therein reſpectively; and the creditor or creditors, to whom any ſuch aſſignment or conveyance ſhall be made, ſhall and may take poſſeſſion of, and ſue in his, her, or their name or names for the recovery thereof, in like manner as ſuch priſoner or priſoners might have done: and no releaſe of any ſuch priſoner or priſoners, or any truſtee for him, her, or them, ſubſequent to ſuch aſſignment or conveyance, ſhall be pleadable, or be allowed of in bar of any action or ſuit, which ſhall be commenced by any ſuch aſſignee or aſſignees for the recovery of any part of the real or perſonal eſtate of ſuch priſoner or priſoners; and upon every ſuch aſſignment and conveyance being executed by any

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such priſoner or priſoners, he, ſhe, or they ſhall be diſcharged out of cuſtody by rule or order of ſuch court; and ſuch rule or order being produced to, and a copy thereof being left with, any ſuch ſheriff, gaoler, or keeper of any priſon as aforeſaid, ſhall be ſufficient warrant to him to diſcharge every ſuch priſoner or priſoners, if charged in execution, or detained for the cauſes mentioned in his, her, or their reſpective petition, and no other; and every ſuch ſheriff gaoler, or keeper is hereby required, on having ſuch order produced to him, and a copy thereof left with him, to diſcharge and ſet at liberty forthwith every ſuch priſoner or priſoners, who ſhall be ordered as aforeſaid to be diſcharged, without taking any fee, or detaining him, her, or them, in reſpect of any demand of any ſuch ſheriff, gaoler, or keeper, for or in reſpect of chamber rent, or lodging, or otherwiſe, or for any fees; and no ſuch ſheriff, gaoler, or keeper ſhall afterwards be liable in any action of eſcape or other ſuit or information on that account, or for what he ſhall do in purſuance hereof, and he may plead the general iſſue, and give the ſpecial matter in evidence; and the perſon or perſons, to whom the eſtate and effects of any ſuch priſoner or priſoners ſhall be aſſigned and conveyed, ſhall with all convenient ſpeed ſell and diſpoſe of the ſame, and ſhall divide the neat produce thereof amongſt the creditors of every ſuch priſoner or priſoners (if more than one) who ſhall have charged any ſuch priſoner in execution before the time of ſuch priſoner's petition to be diſcharged ſhall have been preſented (the marſhal, gaoler, or keeper to be conſidered as a creditor for his fees) rateably, and in proportion to their reſpective debts, and ſhall render the overplus (if any there be) to ſuch priſoner or priſoners; but in caſe the perſon or perſons, at whoſe ſuit any ſuch priſoner or priſoners ſtood charged in execution, ſhall not be ſatisfied with the truth of any ſuch priſoner's oath, and ſhall either perſonally or by attorney deſire further time to inform him, her, or themſelves of the matters contained therein, ſuch court may remand any ſuch priſoner or priſoners, and direct him, her, or them, and ſuch creditor or creditors, to appear either in perſon or by attorney on ſome other day to be appointed by ſuch court ſome time at fartheſt within the term next following the time of ſuch examination, but ſooner if ſuch court ſhall ſo think fit; and all objections, which ſhall be made as to the inſufficiency in point of form againſt any priſoner's ſchedule of his eſtate and effects, ſhall be only made the firſt time, any ſuch priſoner ſhall be brought up; and if at ſuch ſecond day the creditor or creditors ſhall make default in appearing, or ſhall be unable to diſcover any eſtate or effects of the priſoners omited in the

account ſet forth in ſuch his, her, or their petition, then, and in ſuch caſe ſuch court ſhall by rule or order thereof immediately cauſe the ſaid priſoner or priſoners to be diſcharged upon his, her, or their executing ſuch aſſignment and conveyance as aforeſaid; and if any priſoner, who ſhall petition to be diſcharged as aforeſaid, ſhall refuſe to take the oath or affirmation, or taking the ſame ſhall afterwards be detected before ſuch court of falſity therein, or ſhall refuſe to execute ſuch aſſignment and conveyance as aforeſaid, he, ſhe, or they ſhall be preſently remanded and continue in execution.

III. And be it enacted by the authority aforeſaid, that from and after the firſt day of November one thouſand ſeven hundred and ſixty ſix ſuch of the ſaid priſoners, as are charged in execution in any county or other gaol above the ſpace of twenty miles diſtant from the city of Dublin, may at any time before the firſt day of May one thouſand ſeven hundred and ſixty ſeven prefer a petition, being made to the court from whence any ſuch execution iſſued, in like form and manner as the petitions herein before mentioned; and an affidavit to the purport as affidavits are herein before directed to be made, being made and delivered into ſuch court with ſuch petition, ſuch court, on being ſatisfied of the truth of ſuch affidavit may and is required to make a rule or order to cauſe the priſoner or priſoners ſo petitioning to be brought to the next aſſizes, which ſhall be holden for the county or place, where he, ſhe, or they are impriſoned; and the creditor or creditors, his, her, or their executors or adminiſtrators, at whoſe ſuit any ſuch priſoner or priſoners is or ſhall be charged in execution, ſhall by rule or order of ſuch court be ſummoned to appear at the ſaid next aſſizes, if ſuch creditor or creditors can be met with, and if not, then the attorney laſt employed for ſuch creditor or creditors, ſhall be ſummoned to appear there; and a copy of every ſuch rule or order ſhall be ſerved on every ſuch creditor or creditors, or left at his, her, or their dwelling houſe, or uſual place of abode, or with his, her, or their attorney laſt employed as aforeſaid, fourteen days at leaſt before the holding of any ſuch aſſizes; and on affidavit of ſuch ſervice thereof being laid before ſuch judge or judges of aſſize, ſuch judge or judges of aſſize reſpectively, on being ſatisfied of the truth of ſuch affidavit, ſhall and may appoint a time for hearing the matter upon every ſuch petition, on ſome certain day; and upon the appearance of ſuch creditor or creditors, or in default of appearance in perſon, or by attorney, then on proof of his, her, or their being duly ſerved with the notice herein before required to be given, and alſo with a copy of the account of the real and perſonal

eſtate of the priſoner or priſoners, comprized in his, her, or their petition, deſiring to be diſcharged, and alſo with a copy of the rule of ſuch court for his, her, or their appearance at ſuch aſſizes, as herein before is directed, ſuch judge or judges of aſſize ſhall there in a ſummary way examine into the matter of every ſuch petition, and hear what can or ſhall be alledged on either ſide for or againſt the diſcharge of ſuch priſoner or priſoners; and upon every ſuch examination ſuch judge and judges of aſſize is and are hereby impowered and required reſpectively to adminiſter or tender to every ſuch priſoner the ſame oath, as herein before is directed, and to make ſuch order in the premiſſes, as to him or them ſhall ſeem meet, and to proceed in the ſame manner concerning the diſcharge of any ſuch perſon or perſons, and to give the ſame judgment, relief, and directions relating thereto, as any court, out of which any proceſs iſſued againſt any priſoner or priſoners, is herein before impowered and directed to do; and every ſuch order ſhall be as valid and effectual as if the ſame had been made in the court, out of which the proceſs iſſued, upon which any ſuch priſoner was charged in execution; and the ſame ſhall be made a record of the proceedings at ſuch aſſizes, and a copy thereof ſhall be from thence tranſmitted to the court, from whence the execution againſt ſuch priſoner or priſoners diſcharged iſſued, ſigned by the judge or judges of aſſize, to be a record of the ſaid court, and to be kept as ſuch amongſt the other records thereof.

IV. And be it enacted by the authority aforeſaid, That from and after the firſt day of May one thouſand ſeven hundred and ſixty ſix ſuch of the ſaid priſoners, as are charged in execution upon decrees obtained before judges of aſſize upon civil bills, may at any time before the firſt day of November, one thouſand ſeven hundred and ſixty ſeven prefer a petition to the judge or judges of aſſize, which ſhall be holden for the county or place, where he, ſhe, or they are impriſoned, in like form and manner as the petitions herein before mentioned; provided ſuch priſoner or priſoners ſhall cauſe to be given or left to or for all and every the creditor or creditors, at whoſe ſuit he, ſhe, or they ſtand charged in execution as aforeſaid, or his, her, or their executors or adminiſtrators, and at his, her, or their uſual place of abode, twenty days at leaſt before the aſſizes, a notice in writing, ſigned with the proper name or mark of every ſuch priſoner or priſoners, importing, that ſuch priſoner or priſoners doth or do intend to petition the court at the next aſſizes to be diſcharged, and requiring him, her, or them, to appear at the next aſſizes, and alſo a true copy of the ſaid petition and account; and ſuch judge and judges of aſſize upon the appearance of ſuch creditor or creditors either in perſon

or

or by attorney, or in default thereof, then on proof of his, her, or their being duly ſerved with ſuch notice, and a copy of ſuch petition and account, as herein before is directed, ſhall in a ſummary way examine into the matter of every ſuch petition, and hear what can or ſhall be alledged on either ſide for or againſt the diſcharge of ſuch priſoner or priſoners; and upon every ſuch examination ſuch judge and judges of aſſize is and are hereby impowered and required reſpectively to adminiſter or tender to every ſuch priſoner the ſame oath, as is herein before directed, and to make ſuch order in the premiſſes as to him or them ſhall ſeem meet, and to proceed in the ſame manner concerning the diſcharge of any ſuch priſoner or priſoners, and to give the ſame judgment, relief, and directions relating thereto, as any court, out of which any proceſs iſſued againſt any priſoner or priſoners, is herein before impowered and directed to do.

V. And be it enacted by the authority aforeſaid, That from and after the time aforeſaid it ſhall and may be lawful to and for the recorder of the city of Dublin at any time before the firſt day of November one thouſand ſeven hundred and ſixty ſeven to receive the petitions of ſuch of the ſaid priſoners, as are charged in execution in the marſhalſea of the city of Dublin upon decrees or otherwiſe, and to examine into the matters of the ſame, and to adminiſter the ſame oath, and to proceed in the ſame manner concerning the diſcharge of ſuch priſoners reſpectively and to give the ſame judgment, relief, and directions relating thereto, as any court, out of which any proceſs iſſued againſt any priſoner or priſoners, is herein before impowered and directed to do.

VI. Provided always, that the diſcharge of any perſon by virtue hereof ſhall not acquit any other perſon from ſuch debt, ſum or ſums of money, or any part thereof; but that all others ſhall be anſwerable for the ſame in ſuch manner, as they were before the paſſing hereof.

VII. And be it enacted by the authority aforeſaid, That if any ſuch priſoner ſhall deliver in any falſe or untrue account of his or her eſtate or effects, or ſhall deſignedly conceal, and not inſert in the account, he or ſhe ſhall deliver in and ſubſcribe as aforeſaid, any books, papers, ſecurities, or writings, relating to his or her eſtate and effects, with intent to defraud his or her creditor or creditors, and ſhall be thereof convicted on an indictment, he, or ſhe ſo offending ſhall be adjudged a felon, and ſuffer as ſuch without benefit of clergy.

VIII. Provided always, and be it enacted by the authority aforeſaid, That if the eſtate and effects of any priſoner or priſoners, which ſhall be ſo aſſigned and

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conveyed, ſhall not extend to ſatisfy the whole debt due to the creditors as aforeſaid of the priſoner, who ſhall be ſo diſcharged, and the fees and chamber-rent due to the warden, marſhal, or gaoler, then ſuch warden, marſhal, or gaoler ſhall only receive a proportionable dividend from ſuch priſoners eſtates, in reſpect of ſuch fees and chamber-rent *pro rata* with the other creditors as aforeſaid of ſuch priſoner or priſoners.

IX. Provided likewiſe, and be it enacted by the authority aforeſaid, That the priſoner or priſoners, who ſhall be ſo diſcharged by virtue hereof, ſhall never after be arreſted for the ſame debt or debts, nor ſhall any action of debt be brought againſt him, her, or them, on any ſuch judgment or decree: but notwithſtanding any diſcharge obtained by virtue hereof for the perſon of any ſuch priſoner or priſoners the judgment or decree, obtained againſt every ſuch priſoner or priſoners, ſhall continue and remain in force, and execution may at any time be taken out thereon againſt the real or perſonal eſtate of any ſuch priſoner or priſoners, as if he, ſhe, or they had never been before arreſted, taken in execution, and releaſed out of priſon by virtue hereof.

X. Provided always, That in all caſes where mutual credit ſhall have been given between ſuch priſoner or priſoners, and any other perſon or perſons, bodies politick or corporate, before the delivery of any ſchedule or inventory of the eſtate and effects of ſuch priſoner or priſoners, then, and in every ſuch caſe, nothing more ſhall be deemed to be veſted by any aſſignment, which ſhall be made in purſuance hereof, as the eſtate or effects of ſuch priſoner or priſoners, than what ſhall appear to be due to him, her, or them reſpectively, upon the ballance of accounts, when truly ſtated.

XI. And be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid reſpective courts, who ſhall diſcharge ſuch priſoner or priſoners, in purſuance hereof, on the petition of any creditor of ſuch priſoner or priſoners, who had charged him, her or them in execution, or of ſuch priſoner or priſoners, to any ſuch court, complaining of any inſufficiency, fraud, miſmanagement, or other miſbehaviour of any of the creditors of ſuch priſoner or priſoners, to whom the eſtate and effects of ſuch priſoner or priſoners, ſhall have been aſſigned in purſuance hereof, to order the reſpective parties concerned to attend ſuch court on the matter of every ſuch petition at ſome certain time in ſuch order to be mentioned; and every ſuch court, on hearing the party concerned therein, is hereby authorized to make, ſuch order, and give ſuch directions in the premiſſes

miſſes for the prudent, juſt, or equitable management or diſtribution of the ſaid eſtate and effects for the benefit of the reſpective creditors as aforeſaid of ſuch priſoner or priſoners, as ſuch court ſhall think fit.

XII. And whereas ſeveral perſons, beſides thoſe who are in actual confinement, have been by misfortunes rendered unable to ſatisfy the whole of their reſpective debts; and it is reaſonable to make ſome proviſion for the relief of ſuch of them, as are willing to do their utmoſt for the ſatisfaction of their creditors: be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for all and every the perſons, whoſe names are mentioned in the annexed ſchedule, Number Two, at any time before the firſt day of May one thouſand ſeven hundred and ſixty ſeven to exhibit a petition or petitions to his Majeſty's court of King's bench or court of common pleas in Dublin, ſetting forth the ſeveral matters hereby directed to be ſet forth in the petitions of perſons, who were in actual cuſtody on the firſt of February laſt; and the court, to which ſuch petitions ſhall be reſpectively preferred, ſhall receive the ſame, and adminiſter to the perſon or perſons, who ſhall ſo petition, an oath, or if the perſon be of the people called quakers, an affirmation, to the following effect;

I A. B. do ſwear in the preſence of almighty God, (if a quaker, I do affirm) that the account by me ſet forth in my petition preſented to this honourable court, doth contain a full and true account of all the real and perſonal eſtate, debts, credits, and effects whatſoever, which I or any in truſt for me am in any reſpect intitled to in poſſeſſion, reverſion, or remainder, except the wearing apparel and bedding of or for me and my family, and the tools or inſtruments of my trade or calling, not exceeding ten pounds in value in the whole; and alſo a true account of all deeds, writings, books, papers, ſecurities, bonds, and notes relating thereto, and where the ſame reſpectively now are, and in whoſe hands to the beſt of my knowledge, remembrance, and belief, and what charges are now affecting the real eſtate, I am now ſeized of or intitled to (if any ſuch priſoner ſhall be then ſeized of any real eſtate) and that I have not at any time, before or ſince my petition was preferred to the houſe of commons praying the benefit of the act for the relief of inſolvent debtors directly or indirectly ſold, leſſened, aſſigned, mortgaged, pawned, or otherwiſe diſpoſed of, or made over in truſt for myſelf or otherwiſe, any part of my real and perſonal eſtate, whereby to have or accept any benefit, advantage, or profit to myſelf or my family, or with any view, deſign, or intent to deceive, injure, or defraud any of my creditors;

So help me God;

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Which oath or affirmation the judges of either of the ſaid courts are hereby impowered and required to adminiſter; and the ſaid court may thereupon make ſuch order for the aſſignment and conveyance of the real and perſonal eſtate of ſuch of the perſons, whoſe names are mentioned in the ſaid ſchedule, as ſhall ſo petition, as is hereby directed with reſpect to the real and perſonal eſtates of priſoners in actual cuſtody; and upon the execution of every ſuch aſſignment and conveyance by the perſon or perſons, who ſhall ſo petition, the ſaid court ſhall make a rule or rules for the diſcharge of the perſon or perſons ſo petitioning, as if ſuch perſon or perſons were at the time of making ſuch rule or rules in actual cuſtody of the marſhal of the four courts in the city of Dublin; and the reſpective eſtate and effects of the ſaid perſon or perſons ſhall be ſubject to the terms and proviſions, hereby impoſed on the eſtate and effects of perſons in actual cuſtody; and the ſaid perſons ſhall be intitled to the like benefit and relief, and ſubject to the like puniſhment in caſe of delivering a falſe and untrue account of their eſtates and effects or the concealing the ſame, as is hereby directed with reſpect to priſoners in actual cuſtody on the firſt day of February one thouſand ſeven hundred and ſixty ſix.

XIII. Provided alſo, that all perſons, who have conveyed, imbezzled, received, or converted to their own uſe any monies, goods, wares, or merchandizes of perſons, who have employed or intruſted them, ſhall be excluded from receiving any benefit or advantage by this act, though named in one of the annexed ſchedules.

SCHEDULE

SCHEDULE No. I.

A List of the Debtors confined in the several Goals and Marshalseas in Ireland.

DUBLIN.

Persons confined in the Four Courts Marshalsea for more than Fifty Pounds.

James Barry	Andrew Forde
John Brennan	Patrick Kiernan
Patrick Butler	Daniel Kelly
Patrick Carrolan	Alexander Mc Kitrick
John Carroll	David Maitland
William Coote	Thomas Middleton
Peter Coffee	George Peters
Patrick Casey	Andrew Stewart
Daniel Daly	Letitia Wilders
John Peter Dowling	Blaney Winslow
Edmond French	John Archbold

Persons confined for Sums not exceeding Fifty Pounds.

Bernard Burne	Richard Lee
John Craven	Alice Metcalf
Daniel Comerford	Patrick Morgan
Morgan Clarke	James O Farrell
James Eden	James Ryan
John Eden	Walter Price
William Hickey	Mary Smith
Daniel Haly	Richard Tuke
Matthew Hannan	Matthew Tierny
Patrick Kerrigan	James Tuite
Joseph Kerby	Thomas Tatlock
Thomas Kearfoot	Matthew Ward

Prisoners at large of the Four Courts Marshalsea, not exceeding Fifty Pounds.

Matthew Murphy	Owen Reilly
Thomas Roe	Edward Griffin
John Smith	Michael Keary
William Bigger	

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Dublin City Marſhalſea for more than Fifty Pounds.

Edward Cuſack	John Carty
Elizabeth Turner	Cecily Stack
George Fletcher	Peter Kenny

For Sums not exceeding Fifty Pounds.

James White	Stephen Smith
Margaret Gwin	John Steel
Edmond Sheehy	Maurice Daly
Micheal O'Brien	Patrick Mc Anally
John Fitz Gerald	John Meehan
Denis Sheridan	Henry Garland
Daniel Huſſham	Iſaac Bedford
Daniel Kean	Elizabeth Dillon
David Kelly	Timothy Lynch
Mary Bourke	James Dunn
John Bourke	John Doyle
Matthew Delany	Edward Kelly
Martin Balfour	Charles O'Brien
Thomas Mc Daniel	Daniel Shaw
Michael Kenny	Francis Barber
Lieut. Thomas Parks	Ann Bradley
Malachy Coghlan	Lewis Chaboteau
Patrick Moony	John Deſpard
Joſeph Barton	John Lacy
Oliver Fitz Gerald	John Barret
Chriſtopher Mc Evoy	Patrick Mc Guire
Jane Hill	Patrick Power
Pierce Cantwell	Owen Dunn
Walter Hart	Redmond Fitzſimmons
Edward Gantly	Joſeph Hodgings
Garret Mc Manus	Thomas Dunn
James Bracken	Henry Hines
John Dobbin	John Mc Gannon
Emanuel Begly	William Brookes
Thomas O'Brien	Moſes Lundy
John Roe	Richard Cullen
Hugh Finnigan	John Allen
George Richardſon	Mary Daly
John Dargill	Catherine Wood
Chriſtopher Quinn	Andrew Mc Mahon
William Gurly	Philip Lynch
Walter Roch	Henry Walſh
John Smyth	John Dennis

William Norton
William Mc Laughlin
Laurence Ralph
William Downey
Catherine Power
Mary Hudſon
John Heany
Chriſtopher Ruſſell
John Grant
Barn. Mc Laughlin
Letitia French
John Cokle
George Gill
Michael Bell
William Browne
George Graige
Charles Phillips
Thomas Garvey
Marke Sheehy
Andrew Devin
John Connor
Owen Devin
Daniel Mc Cullogh
Neil O'Neil
William Mc Cartan
Andrew Cotter
Patrick Blighe
Terence Reily
Mark Feely
Michael Carty
William Byrne
Hugh Dogherty
Philip Hagan
Patrick Croſbie
Arthur Kearny
Philip Smith
Simon Murray
Henry Killan
John Kerman
Anthony Mathews
Philip Smith
John Ferguſon
Archibald Deviſon
James Cullen
Thomas Healy
Owen Leonard
Henry Mc Laughlin
John Kelly
William Conolly
Barnaby Tiernan
Thomas Shelly
John Healy
James Burne
Arthur Gillſhenan
Mary Woffenton
John Godfrey
Elizabeth Buſhell
Michael Brennan
Phelix Mc Philip
Matthew Daly
David Mannix
Arthur Short
John Morriſs
John Conolly
John Bourke
Chriſtopher Coony
John Kelly
Catherine Browne
Elinor Sheehy
Ann Conolly
Elinor Sheehy
Oliver Conway
Clare Darcy
Judith Reily
James Kiernan
Michael Brenan
Oliver Fitz Gerald
George Beſſik
Bartholomew Devany

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Liberty of St. Sepulchre's Marſhalſea. For Sums under Fifty Pounds.

John Yarr
John Mulholland
Mary Ward

Liberty of Thomas Court and Donore Marſhalſea. For upwards of Fifty Pounds.

John Flin.

For Sums not exceeding Fifty Pounds.

Margaret Mc Donald
Michael Mc Laughlin
James Engliſh
Mathias Mc Dermot
Elizabeth Fullom
Edward Cullen
Robert Wallace
Patrick Mc Gragh

County Dublin. Kilmainham Marſhalſea. For upwards of Fifty Pounds.

Nathaniel Aſhworth

Not exceeding Fifty Pounds.

Nehemiah Conſtant

County Antrim. Carrickfergus Gaol. For upwards of Fifty Pounds.

George Blizard
Anthony Ferguſon

For Sums not exceeding Fifty Pounds.

Bryan Mc Mahoney
Neal Mc Lornan
Henry Mulhollan
George Hunter
William Woodburne
Alexander Weir
John O'Boyle
Alias Martin

Belfaſt Marſhalſea.

Robert Tanny Hill

County Armagh. Armagh Gaol. For Sums not exceeding Fifty Pounds.

Thomas Kain

For upwards of Fifty Pounds.

James Gaddis

County of Corke Gaol. For upwards of Fifty Pounds.

James Collins
Daniel Crowley

For Sums not exceeding Fifty Pounds.

Edmond Murphy
John Keef
Charles Connell
John Hartned

City Corke Marſhalſea.

For Sums not exceeding Fifty Ponnds.

Honor Kealohear, otherwiſe Regan
James Stackapoole

City

City Corke Gaol. For upwards of Fifty Pounds.

Iſaac Spratt
Matthew Holden
John Carroll
Margaret Fowler
Dennis Healy
James Punce
John Mc Carthy
Daniel Linihan

For Sums not exceeding Fifty Pounds.

Henry Neptune
Bartholomew Sullivan
John Sullivan
William Fencer
Michael Crowley
Edmond Mulloney
John Lyon
Patrick Callaghan
James Walſh
Hugh Cubberſton
Timothy Quirk
Lawrence Dawley
John Power
Timothy Meenihane
Moore Hardaway
William Barry
Dennis Maley
Darby Wholahane
John Goggin
Tim Horragan
Tim Coonihane
Tim Callaghan
William Wilkinſon
Cornelius Deſmond
Florence Carthy
William Ellis

County Carlow Gaol. Sums not exceeding Fifty Pounds.

Michael Quinn
Tobias Lewis
Thomas Lynch

County Cavan Gaol. Sums not exceeding Fifty Pounds.

William Breedy
Thomas Mc Gennis
Fitz Herbert Dermott

County Clare. Ennis Gaol. For upwards of Fifty Pounds.

Daniel O'Brien

For Sums not exceeding Fifty Pounds.

David Mc Mahon
William Mc Cloſky

County of the Town of Carrickfergus Gaol. Not exceeding Fifty Pounds.

George Mc Kinney

County Donegal. Lifford Gaol. Not exceeding Fifty Pounds.

Thomas Hodkiſs
James Magee
Thomas Feran
John Long
James Mc Gorragil
James Cavere

County Down. Downpatrick Gaol. For upwards of Fifty Pounds.

William Craige — Rowland Hannat

For Sums not exceeding Fifty Pounds.

James Garvey — Winifred Kelly
Peter Smith — John Ferguſon
Joſeph Tinſley — Michael Mc Donnell
Thomas Frickelton — Judith Geran
George Craige — John Fitz Gerald
Margaret Parks — John Pincheon
James Dorreau — David Mc Donnell
John Neale — Edmond Hayes
John Maguire

County Longford Gaol and Marſhalſea. For upwards of Fifty Pounds.

John O'Hara

For Sums not exceeding Fifty Pounds.

Robert Roſs — John Hoey
Chriſtopher Cahil

County Monaghan Gaol. For Sums not exceeding Fifty Pounds.

Phelimy Mc Murrer — Jerry Duffy
Patrick Mc Cormuck — Philip Ronaghan
Neal Mc Kenna — William Hughes
George Robinſon

County Mayo Gaol and Marſhalſea. For Sums not exceeding Fifty Pounds.

Thomas Moore — Thady Flaherty

County Meath. Trim Gaol. For upwards of Fifty Pounds.

Thomas Fitzſimons

For leſs than Fifty Pounds.

William Monaghan

County Kildare. Naas Gaol. For leſs than Fifty Pounds.

Jeffry Harborn — Mathew Noland
William Murphy — Hugh Byrne

Queen's County Marſhalſea. For upwards of Fifty Pounds.

Patrick Dunn — Thomas Stapleton

For leſs than Fifty Pounds.

William Benn — John Webb
Patrick Mc Donnell — John Terrill
Darby Dunn — Thomas Kelly

County Roſcommon Gaol. For Sums not exceeding Fifty Pounds.

Dennis Coghlan — William Walſh
Daniel Callaghan — Daniel Mooney
Hugh Hanly — John Dawes
Michael Connor — Thomas Dowd

County Sligo Gaol. For leſs than Fifty Pounds.

Mathew Feeny

County Tipperary. Clonmell Gaol. For upwards of Fifty Pounds.

Henry Wade

For leſs than Fifty Pounds.

William Murphy

County Tyrone. Omagh Gaol. For upwards of Fifty Pounds.

Lilly Taylor — Joſeph Marſhall
William Mc Criſtell

For Sums not exceeding Fifty Pounds.

James Mc Corkhill — James Mc Culloch
George Walker — John Kerr
Henry Magrady — James Watt
Charles Murry — John Gilmore
James Mc Crea — Alexander Mc Donnell
John Mc Cormic — Patrick Hagan
William Morriſs — Francis Parks
Henry Mc Taggart — John Hawthorn

County of the town of Drogheda Gaol and Marſhalſea. For upwards of Fifty Pounds.

William Foſter

For leſs than Fifty Pounds.

John Gough — Nicholas Donovan
Patrick Conway

Corporation Marſhalſea of Dundalk. For Sums not exceeding Fifty Pounds.

Andrew Mc Kone — Hugh Hanlon
Patrick Byrne — Hugh Creighton
Edward Donnelly — Peter Donaghey

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County of Fermanagh. Enniſkillen Gaol. For Sums not exceeding Fifty Pounds.

James Deniſton	James Moxley
Richard Robinſon	Thomas Cole
James Robinſon	

County and Town of Galway Marſhalſea. For Sums not exceeding Fifty Pounds.

Bartholomew Farragher	Hugh Molloney
Henry Hughes	Daniel Liddane
Charles Byrne	William Spring
Patrick Coghlan	John Drignom
James Delap	Michael Larnor
Laughlin Gimrone	James Maley
Thady Dempſey	James Conry
John Woods	Martin Ward
John Mc Hugo	William Melody
Edmond Bourke	John Cormackan
Thomas Holland, ſenior	Michael Mc Hugo
Thomas Holland, junior	Marcus Liddone
Ezekiel Rodgers	John Whitnall
Patrick Kenny	Dominick Bodkin
Michael Connor	Ann Reynolds
Michael Mc Donogh	James Gallagher

County of Kilkenny Marſhalſea. For upwards of Fifty Pounds.

William Downey	Patrick Walſh

For leſs than Fifty Pounds.

Thomas Kealy

County Kerry. Tralee Gaol. For upwards of Fifty Pounds.

Patrick Sughrue	Michael Fitz-Gerald
Timothy Broſnehan	James Healy

For Sums not exceeding Fifty Pounds.

Timothy Lynchy	Philip Kelly
William Edmonds	Thomas Broſnehan
Owen Hogan	Timothy Connor
Owen Sullivan	Thomas Mc Mahan

King's County. Philipſtown Gaol. For upwards of Fifty Pounds.

Michael Duffey

For Sums not exceeding Fifty Pounds.

Bryan Hogan	David Coyne
John Keating	William Mahon

County

County and City Londonderry Gaol and Marſhalſea. For upwards of Fifty Pounds

Patrick O'Kane

For Sums not exceeding Fifty Pounds.

Samuel Allen
John Hunter
Robert Patterſon
John Freeland
James Soden

County Louth. Dundalk Gaol. For Sums not exceeding Fifty Pounds.

Patrick Lunon
John Scott
Henry Mc Entoſh

County and City of Limerick Gaol and Marſhalſea. For upwards of Fifty Pounds.

Florence Mc Carthy

For Sums not exceeding Fifty Pounds.

John Hayes
Cornelius Kinalty
John Healy
Silveſter Flinn
Denniſs Shaughneſſy
Richard Dalton
John Cormacan
Andrew Boyle
Michael Mc Kenna
Lawrence Callen
Edward Mc Manmy

Strabane Marſhalſea. Leſs than Fifty Pounds.

John Loughry

County of the City of Waterford Marſhalſea. For upwards of Fifty Pounds.

John Warren
Edmond Walſh
Valentine Shortall

For leſs than Fifty Pounds

John Walſh
James Kerwick
Henry Norrington
John Daniel
John Hickey
John Ridley
Owen Bryan
Stephen Hilſby

County of Waterford. Tallow Gaol. For leſs than Fifty Pounds.

Samuel Ireton
Mary Tobin
Laurence Neale
Dennis Ryan
William Coſheen

County of Waterford Gaol. For upwards of Fifty Pounds.

Robert Walſh — David Whelan

Maurice Higgins

For leſs than Fifty Pounds.

John Patten — John Fitz-Gerald

County of Wexford Gaol. For upwards of Fifty Pounds.

Jos. Radford

For leſs than Fifty Pounds.

Nehemiah Pitham — John Mayler

John Cormick

County Wicklow Gaol. For upwards of Fifty Pounds.

David Tindal.

SCHEDULE No. II.

A Liſt of Perſons who are to be intitled to the Benefit of this Act, although they are not in actual Cuſtody

John Alder of the town of Athlone, merchant.

John Archer of the city of Dublin, merchant.

James Bracken of the ſame, linnen draper.

Meſſ. Peter Bourſiquot and Thomas Paget of the ſame, woollen drapers.

Thomas Brewer, junior, of the ſame, merchant.

Thomas Bryan of the King's county, farmer.

Elinor Beaſly of the city of Dublin, widow.

Thomas Buckfield of the ſame, taylor.

Thomond Ball of the ſame, merchant.

William Browne of the ſame, braſs and ivory turner.

Mary Burke of the ſame, dealer.

Michael Bathe of the ſame, cooper.

Thomas Brewer, ſenior, of Porterſtown, county of Meath, farmer.

Nicholas Browne of the city of Dublin, lapper.

Stephen Boyle of the city of Cork, linnen weaver.

Thomas Bunbury of the city of Dublin, ſilverſmith.

Elizabeth Buſhell of the ſame tape weaver.

Charles Byrne of the ſame, mariner.

James Creagh of the city of Limerick, gentleman.

Joſhua Corkery of the town of Tralee, butcher.

Gregory Coſtigan of the city of Dublin, ſmith.

Thomas Chute of the city of Corke, merchant.
John Coleman of the ciy of Limerick, chandler.
Gabriel Clarke of the city of Dublin, merchant.
Bryan Croghan of the city of Cork, labourer.
John Croſbie of the city of Dublin, brewer.
Garret Carney and John Carney of the ſame, hardware merchants.
Kendrick Davies of the ſame, carpenter.
Patrick Doyle of the county of Meath, dealer.
William Delaney of Francis Street, merchant.
Richard Dunne of the Queen's county, farmer.
Laurence Donnelly of the city of Dublin, merchant.
Bridget Dooner of the ſame, retailer of butter.
Matthew Delomey of the ſame, ſtoneblue maker.
James Dunny of the ſame, baker.
John Diviney of the ſame, butcher.
Owen Dunn of the ſame, publican.
John Dillon of the ſame, merchant.
Dennis Deaſy of the city of Corke, boatman.
Thomas Fleming of the city of Dublin, tallow chandler.
Michael Fleming of the county of Meath, labourer.
Edmond Fitz Gerald of the city of Dublin, waiter.
Adam Fleetwood of the ſame, merchant.
John Faulkiner of the ſame, currier.
John Foron of the ſame, ſilk weaver.
William Gubbins of the city of Limerick, dealer in hardware.
Thomas Galbally of the city of Dublin, victualler.
John Green of the ſame, late merchant.
Patrick Goold of the county of Corke, dealer.
Henry Graves of the city of Dublin, merchant.
John Hacket of the city of Dublin, merchant.
John Hale of the ſame, coach owner.
Andrew Harney of the ſame, mariner.
James Hamill of the ſame, felt maker.
Timothy Hyland of the ſame, baker.
John Healy late of Cecil Street, London, now of Dublin, merchant.
Henry Hinds of the ſame, publican.
William Hodgſon of Newry, merchant.
Felix Hayes and Matthew Hayes of the county of Limerick, farmers.
Peter Johnſon of the city of Corke, merchant.
Thomas Jones of the city of Dublin, felt maker.
John Jones of the ſame, ale draper.
Daniel Kidney of the city of Cork, vintner.

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Henry Kearns of the city of Dublin, haberdaſher.
Rebecca Keeling of the ſame, grocer.
Michael Kenny of the ſame, grocer.
James Kennedy of the ſame, ſilk manufacturer.
James Leary of the ſame, merchant.
Chriſtian Lewis of the ſame, widow and vintner.
John Larcey of the ſame, ale draper.
Silveſter Matthews of the ſame, linnen manufacturer.
James Magowran of the county of Meath, dealer.
Edmond Moroony of the city of Limerick, merchant.
John Meade of the ſame, gentleman.
George Meares of the ſame, glazier.
Cornelius Mc Keogh of the town of Drogheda, merchant.
Richard Murphy of the city of Dublin, merchant and laceman.
Michael M'Cann of the ſame, linnen draper.
Bridget M'Manus of the town of Kilcock, widow.
Andrew M'Mahon of the city of Dublin, ale draper.
Thomas M'Carthy of the ſame, diſtiller.
John Nicklin of the ſame, ſilverſmith.
John Nouvell of the ſame, merchant.
John O'Brien of the city of Cork, cooper.
Bernard O'Neal of the city of Dublin, dealer.
Francis Ozier of the ſame, ſilk weaver.
Bryan O'Neale of the ſame, linnen draper.
John Oſborne of the ſame, baker.
Peter O'Brien of the ſame, linnen printer and dyer.
John Parviſol of Dame Street in the ſaid city, hatter.
Philip Phillips of the ſaid city, chocolate maker.
Peter Roan of the ſame, ſilk weaver.
Thomas Ready of the town of Ardfert, cordwainer.
James Ruth of the town of Blackrock, vintner.
Valentine Ramſey of the city of Dublin, merchant.
Patrick Redmond of the ſame, baker.
Edward Reeves of the ſame, china merchant.
Henry Reynolds of the ſame, grocer.
John Sheridan of the ſame, ale draper.
Thomas Sheridan comedian.
Thomas Shelly of the city of Dublin, butcher.
John Taaffe of the city of Dublin, ſadler.
William Walſh of the King's county, wool comber, and
John Wade of the city of Dublin, merchant.
Chriſtopher Browne of the town of Galway, merchant.
Samuel Dickſon of the city of Dublin, linen printer.

James

James Fletcher of the city of Dublin, merchant and linnen draper.
Bartholomew Judge of the city of Dublin, printer and dyer.
Dennis Moylan of the city of Cork, butcher.
George Shields of the city of Dublin, woollen draper.
John Waller of George's lane in the city of Dublin, tobacconiſt.
Pierce Dodd of the city of Dublin, chandler.
Michael Butler of the ſame, grocer.
Richard Newſam of the ſame, clothier.

CHAP. XXIV.

An Act for altering and amending ſeveral Statutes heretofore made for the better Regulation of the City of Cork, and for regulating Trials by Juries in the Court of Record of the ſaid City: and for eſtabliſhing Market Juries in the ſaid City; and for making wide and convenient Ways, Streets, and Paſſages in the ſaid City and Suburbs thereof; and for preventing Frauds committed by the Bakers and Meal Makers of the ſaid City.

Lights,

WHEREAS an act paſſed in the third year of the reign of his preſent Majeſty, intitled, *An Act for continuing and amending certain temporary ſtatutes heretofore made for the better regulation of the city of Cork, and for enlarging the ſalary of the treaſurer, and for the better regulating the ſale of the coals in the ſaid city, and for erecting and continuing lamps in the ſame, and for the better preſerving the ſtreets and highways therein, and for confirming and eſtabliſhing a court of conſcience in the ſaid city, and for regulating the aſſize of bread therein, and for ſecuring the quays by parapet walls,* has been found ineffectual with reſpect to the erecting and continuing the lamps in the ſaid city of Cork, for remedy whereof be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid act, ſo far as it relates to the erecting and continuing lamps in the ſaid city, ſhall be and is hereby repealed, and made null and void; and that it ſhall and may be lawful for the mayor, ſheriffs, and common council of the ſaid city of Cork, and they are hereby required, yearly to aſcertain and fix on the number and kind of lamps neceſſary for the ſaid city and ſuburbs thereof, and the places where the ſame ſhall be erected, and the manner of erecting the ſame, and the time

3 G. 3. 17. as to erecting and continuing lamps in Cork repealed,

mayor, ſheriffs, and council of Cork to aſcertain yearly the number and kind of lamps, place and manner of erecting, and lighting, trimming, &c. with the expence,

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time when and how long the ſaid lamps ſhall be and continue lighted, and the manner of lighting, cleanſing, trimming, ſnuffing, maintaining, and repairing the ſame, together with the amount of the ſums of money to be expended in the erecting, lighting, cleanſing, trimming, ſnuffing, maintaining, and repairing each of the ſaid lamps; and that it ſhall and may be lawful for the ſaid mayor, ſheriffs, and common council of the ſaid city of Cork, and they are hereby required, yearly and every year between the firſt day of May and the firſt day of Auguſt in each year to nominate and appoint in writing two inhabitants of each of the ſix pariſhes of the ſaid city and ſuburbs, to wit, St. Mary Shandon, St. Peter, St. Paul, Chriſtchurch, St. Nicholas, and St. Finbarry, to be applotters; and that the ſaid applotters, or any five or more of them, ſhall and may, and they are hereby required to, applot the money to be levied, raiſed, and paid for the purpoſes aforeſaid on the inhabitants of the ſaid city of Cork and ſuburbs thereof according to the ſubſtance of the ſaid inhabitants reſpectively; and that as often as any deficiency ſhall happen in the ſums ſo to be applotted or in the payment thereof by or on account of the death, inſolvency, or change of abode of any of the ſaid ſeveral inhabitants, it ſhall and may be lawful for the next ſucceeding applotters, and they are hereby required, to applot the amount of ſuch deficiency on the aforeſaid inhabitants in ſuch manner as aforeſaid with the next applotment, which ſhall be made after ſuch deficiency ſhall ſo happen; and that each of the ſaid applotters ſhall previouſly to his acting as an applotter take and ſubſcribe an oath or ſolemn affirmation (if of the people called quakers) before the mayor of the ſaid city of Cork, that he will according to the beſt of his ſkill, abilities, and knowledge faithfully and impartially without favour or affection, malice or ill will, to any perſon or perſons whatſoever applot the ſaid ſums ſo to be applotted as aforeſaid; and that if any of the applotters to be appointed purſuant to this act of Parliament ſhall neglect, omit, or refuſe to take the oath or affirmation hereby required to be taken by each of the ſaid applotters, or ſhall happen to die, before the ſaid applotters or any five or more of them ſhall have made the aforeſaid applotments, that ſuch neglect, refuſal, omiſſion, or death ſhall not invalidate the applotments, made or to be made by the other of the ſaid applotters, or any five or more of them; but that in every ſuch caſe notwithſtanding ſuch neglect, omiſſion, refuſal, or death, the applotments made or to be made by the others of the ſaid applotters, or any five or more of them, ſhall be good and valid; and that the ſaid applotments, in ten days after the ſame ſhall be ſo made, ſhall be returned to the mayor of the ſaid

and between 1 May and 1 Auguſt appoint 2 inhabitants of each pariſh applotters,

any 5 to applot on inhabitants according to their ſubſtance,

deficiency by death, inſolvency, or change of abode, ſupplied next applotment,

oath of applotters,

applotment of others not invalidated by death, neglect, &c. of any,

returned in 10 days to mayor, and ſigned by 5,

ſaid city of Cork in writing ſigned by the applotters thereof, or any five or more of them; and that every perſon, who ſhall be appointed an applotter by the mayor, ſheriffs, and common council of the ſaid city of Cork purſuant to this act, and ſhall neglect, omit, or refuſe to take upon him the ſaid office, or undertaking the ſame ſhall neglect or omit the execution thereof, or of any part thereof, or ſhall neglect, omit, or refuſe to return the applotments to be made by him or them as aforeſaid in ſuch manner, and within ſuch time, as herein before is mentioned, or ſhall without reaſonable cauſe neglect or omit for the ſpace of eight and forty hours after being ſummoned thereunto in writing, ſigned by the mayor of the ſaid city of Cork, to appear before the ſaid mayor, and to take the oath or affirmation herein before mentioned, or ſhall neglect or omit for twenty days, after the majority of the applotters appointed purſuant to this act ſhall have taken the oath or affirmation, to make the aforeſaid applotments purſuant to this act, in every ſuch caſe each and every one of the ſaid applotters ſo offending ſhall forfeit the ſum of ten pounds, to be recovered by diſtreſs of the offender's goods by virtue of a warrant under the hand and ſeal of the mayor of the ſaid city of Cork, to be iſſued for that purpoſe to the conſtable of one of the ſaid pariſhes or other proper officer or officers, and to be applied in ſuch manner as is hereinafter directed; and that if it ſhall happen, that no ſuch applotments, as herein before ſet forth, ſhall be made by the aforeſaid applotters or any five or more of them within one kalendar month, after the ſaid applotters ſhall have been appointed purſuant to this act, that then and in ſuch caſe each and every of the ſaid applotters ſhall from the end of the ſaid month forfeit the ſum of twenty ſhillings for every day, until the ſaid applotments ſhall be made and returned to the mayor of the ſaid city, to be levied by diſtreſs and ſale of the offenders goods by virtue and under ſuch warrant as aforeſaid, and to be applied in ſuch manner as herein after directed; and that it ſhall and may be lawful for the mayor, ſheriffs, and common council of the ſaid city of Cork from time to time to agree with and appoint any perſon or perſons as lamp contractor or contractors for erecting, lighting, cleanſing, trimming, ſnuffing, maintaining, and repairing the ſaid lamps for any number of years, not exceeding fourteen; and the perſon or perſons ſo appointed ſhall, before he or they ſhall enter upon the execution of the ſaid office, give ſecurity by bond made payable to the mayor, ſheriffs, and commonalty of the ſaid city of Cork, with two ſufficient ſecurities for the due and faithful execution of his or their office or offices; and that it ſhall and may be lawful for the ſaid mayor, ſheriffs, and common council to nominate, conſtitute

10l. penalty on applotters refuſing, or neglecting, not appearing 48 hours after ſummons in writing by mayor, or omitting 20 days after oath taken by majority of applotters,

by diſtreſs on mayor's warrant,

if no applotment in a month after appointment, each forfeits 20s. a day till made and returned,

to agree not above 14 years with lamp contractors, firſt giving bond and 2 ſureties,

who ſhall collect applotments half yearly.

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ſtitute and appoint ſuch lamp contractor and contractors to collect and receive the ſeveral ſums to be made payable by the applotments herein before mentioned; and that the ſaid lamp contractor or contractors ſhall collect and receive half yearly the ſeveral ſums, to be made payable by the herein before mentioned applotments, of and from all perſons liable to pay the ſame; and all perſons, who ſhall be charged therewith or be thereunto liable, ſhall pay ſuch ſums, ſo applotted on them as aforeſaid, to the ſaid lamp contractor or contractors for the time being by two half yearly payments on every firſt day of January and on every firſt day of July, ſuch lamp contractor or contractors giving from time to time receipts *gratis*, if thereunto required: and that if any perſon or perſons ſhall neglect or refuſe to pay the ſum or ſums of money applotted on him, her, or them as aforeſaid, for ſeven days after perſonal demand thereof made for him, her, or them by the ſaid lamp contractor or contractors, or any perſon by writing ſigned by the ſaid lamp contractor or contractors thereunto authorized, or after demand in writing ſhall be left at the place of abode of ſuch perſon or perſons, that then and in every ſuch caſe it ſhall and may be lawful for ſuch lamp contractor or contractors in the preſence of one or more conſtable or conſtables, of the ſaid pariſhes to diſtrain the goods and chattels of ſuch perſon or perſons; and if the ſaid goods and chattels ſhall not be replevied or the money paid within ſix days after ſuch diſtreſs made, together with the coſts of making ſuch diſtreſs, to be aſcertained by the mayor of the ſaid city of Cork, then to appraize and ſell the ſaid goods and chattels, or ſuch part thereof as ſhall be ſufficient to pay the money applotted on ſuch perſon or perſons, together with all coſts and charges attending the ſaid diſtreſs, returning the overplus (if any) to the owner or owners of ſuch goods or chattels; and in caſe any replevin ſhall be brought for the goods and chattels ſo diſtrained, the mayor of the ſaid city of Cork for the time being ſhall and is hereby impowered and required to iſſue a ſummons in writing to all parties concerned to hear and determine the matter in diſpute, whether the ſame ſhall depend upon a claim of property by a ſtranger or otherwiſe, in the moſt ſpeedy and ſummary way by examining parties and witneſſes on oath, which he is hereby impowered to do, and to award return of the goods ſo diſtrained, or a ſale thereof for payment of the ſaid ſum or ſums applotted on the ſaid perſon or perſons, unleſs ſuch diſtreſs be forthwith redeemed; and the determination of the ſaid mayor ſhall be final and concluſive to all parties; and that it ſhall and may be lawful for the mayor, ſheriffs, and common council of the ſaid city of Cork, as often as any perſon or perſons

1ſt Jan. & 1ſt July,

on non-payment 7 days after demand, contractors with a conſtable may diſtrain,

and appraiſe and ſell, if no replevin or payment in 6 days,

replevin tried before mayor, who may finally award return or ſale if not redeemed.

contractors on miſbehaviour removed,

perſons, whom they ſhall agree with and appoint to erect, light, ſnuff, cleanſe, trim, maintain, and repair the ſaid lamps, ſhall be guilty of any neglect or miſbehaviour in the execution of his or their ſaid office or offices, to remove him or them ſo offending from his, her, or their reſpective offices, and in his or their ſtead from time to time to appoint any other perſon or perſons as lamp contractor or contractors to erect, light, ſnuff, cleanſe, trim, repair, and maintain the ſaid lamps, taking ſuch ſecurity from him or them as aforeſaid, for any term of years not exceeding fourteen years; and ſuch perſon or perſons, ſo to be agreed with and appointed as aforeſaid, may and ſhall have and receive the ſeveral ſums to be made payable by the applotments aforeſaid with the ſeveral powers of diſtraining and recovering the ſame, which are herein before mentioned.

others appointed, with like powers.

II. Provided, That if any perſon or perſons ſo removed ſhall think himſelf or themſelves aggrieved by ſuch removal, it ſhall and may be lawful for him or them to appeal to the next going judge of aſſize for the county of the ſaid city, who is hereby authorized finally to determine the matter in diſpute and to reſtore ſuch perſon or perſons, or to confirm his or their removal, as to the ſaid judge ſhall ſeem fit; from which determination there ſhall be no further appeal; and that if any perſon or perſons, whom the mayor, ſheriffs, and common council of the ſaid city of Cork ſhall agree with and appoint to erect, light, ſnuff, cleanſe, trim, maintain, and repair the ſaid lamps as aforeſaid, ſhall neglect to ſupply the ſaid lamps with a ſufficient quantity of good and proper wick or oyl to continue lighting for ſuch time, as the ſaid mayor, ſheriffs, and common council ſhall determine and fix on as aforeſaid, or ſhall neglect to keep the glaſſes of the ſaid lamps and of every of them clean and entire, or ſhall be guilty of any other neglect, for which the mayor, ſheriffs, and common council of the ſaid city may not think proper to remove the ſaid perſon or perſons, that then and in every ſuch caſe ſuch perſon or perſons ſo offending ſhall forfeit for every lamp, which the ſaid perſon or perſons ſhall ſo neglect, for every night which ſuch perſon or perſons ſhall ſo neglect the ſame, the ſum of five ſhillings, to be recovered and levied by diſtreſs and ſale of ſuch offender's goods and chattels after conviction before the mayor or other juſtice of the peace of the ſaid city of Cork by the teſtimony of one witneſs, or by confeſſion of the party accuſed, and to be applied in manner herein after directed; and that if any perſon or perſons ſhall wilfully or maliciouſly break, throw down, or extinguiſh any lamp or lamps, now or hereafter to be ſet up to light the ſtreets, lanes, paſſages, or quays of the ſaid city of Cork, or the

On removal appeal to next judge of aſſiſe, who may reſtore, or confirm removal,

on any neglect, for which not removed, penalty 5s. per night every lamp, on conviction before a mayor or a juſtice,

breaking or extinguiſhing lamps, &c. any one may arreſt and carry before a magiſtrate,

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the ſuburbs thereof, or wilfully damage the poſts, iron, or other furniture of the ſame, it ſhall be lawful for any perſon or perſons to arreſt and detain ſuch offender or offenders, until he, ſhe, or they may be carried before the mayor or ſome other juſtice of the peace of the ſaid city for the time being; and every perſon ſo offending, and being thereof convicted by the oath of one witneſs, or by the confeſſion of the party accuſed, before the mayor or any juſtice of the peace for the ſaid city, ſhall for the firſt offence forfeit forty ſhillings for each lamp, poſt, iron, or furniture thereof; and for the ſecond offence the ſum of fifty ſhillings for each lamp, poſt, iron, or furniture thereof; and for the third and every ſubſequent offence the ſum of three pounds for each lamp, poſt, iron, or furniture thereof ſo broken, thrown down, extinguiſhed, or wilfully damaged, to be recovered and levied by diſtreſs and ſale of the offender's goods in manner as aforeſaid, and to be applied in ſuch manner as herein after directed: and in caſe any perſon or perſons ſhall be convicted in the manner before preſcribed of breaking, throwing down, or extinguiſhing any lamp within the ſaid city or ſuburbs thereof, or wilfully damaging the poſts, iron, or other furniture thereof, and no goods or chattels of the perſon ſo offending can at the time of ſuch conviction be found, then and in ſuch caſe it ſhall be lawful for the ſaid mayor or juſtice hearing ſuch complaint to commit ſuch offender to the houſe of correction, there to be kept to hard labour for any time leſs than one month, and not exceeding ſix months.

firſt offence 40s. each lamp, &c.

2d 50s.

3l. afterwards,

for want of diſtreſs committed, not under 1 nor above 6 months.

III. Provided that if ſuch penalty or forfeiture ſhall be paid, before the time of ſuch commitment be expired, that then ſuch offender ſhall upon ſuch payment be immediately diſcharged out of cuſtody; and in caſe no goods or chattels of any of the other offenders, who ſhall be convicted of any of the other offences, omiſſions, or refuſals, made puniſhable by pecuniary penalties by any other part of this act relating to lamps, ſhall be found within twenty four hours after iſſuing ſuch warrant as aforeſaid, then it ſhall be lawful for the ſaid mayor to iſſue his warrant in nature of an execution to take the body of ſuch offender, and to commit ſuch offender to the gaol of the ſaid city and county of the ſaid city of Cork to be held in execution, until ſuch penalty and forfeiture ſhall be ſatisfied and paid.

Diſcharged on payment,

For other offences if no diſtreſs found in 24 hours, arreſt and impriſonment till payment,

IV. Provided nevertheleſs, That if any perſon or perſons ſhall think him, her, or themſelves aggrieved by the judgment of the ſaid mayor of the city of Cork or other juſtice of the peace, that ſuch perſon or perſons may appeal to the juſtices of the peace at the next general or quarter ſeſſions to be held for the ſaid city of Cork; and if any ſuch perſon or perſons ſhall happen

Appeal to ſeſſions, and diſcharged on bail, determined at ſeſſions,

to be in cuſtody, ſuch perſon or perſons ſhall and may be diſcharged out of cuſtody upon giving ſufficient bail to appear at the ſaid ſeſſions; and the juſtices of the peace at ſuch ſeſſions are hereby impowered to ſummon and examine witneſſes on oath on either ſide, and finally to hear and determine the merits of ſuch appeal, and make ſuch order therein, as ſhall be agreeable to the proviſion and meaning of this act, and to the nature and circumſtances of the caſe, and in caſe of conviction may and ſhall iſſue a warrant or warrants for levying the penalties or forfeitures, and for committing the offender or offenders as aforeſaid; that all the pecuniary penalties and forfeitures, which ſhall be inflicted and levied by this act for wilfully or maliciouſly breaking, throwing down, or extinguiſhing any lamp or lamps, erected or to be erected in the ſaid city or ſuburbs thereof, or for wilfully damaging the poſts, iron, or other furniture of the ſame, ſhall be paid and applied in the manner following; that is to ſay, one moiety thereof to the perſon or perſons who ſhall diſcover and proſecute ſuch offender or offenders to conviction, and the other moiety, and all the other pecuniary penalties and forfeitures, which ſhall be inflicted and levied by this act, to the governors of the work houſe of the ſaid city of Cork for the uſe of the ſaid work houſe; and that if any perſon or perſons ſhall ſteal or forceably carry away any of the ſaid lamps, irons, poſts, or furniture thereof, ſuch perſon or perſons, being lawfully convicted thereof upon indictment, ſhall be adjudged guilty of felony, and ſhall be tranſported to one of his Majeſty's plantations in America for ſeven years, or ſhall be publickly whipt, at the diſcretion of the judge who ſhall paſs judgment on ſuch offender.

penalties for breaking lamps, &c. to informer and Cork work houſe,

taking away lamps, &c. tranſportation 7 years or whipt,

V. And whereas the mayor, ſheriffs, and commonalty of the ſaid city of Cork, not having money ſufficient in the funds of the ſaid city for the erecting and lighting lamps in the ſaid city and ſuburbs, did on the credit of the ſaid funds, and in conſequence of a clauſe in the herein before recited act of Parliament, borrow the ſum of nine hundred and thirty eight pounds ſixteen ſhillings and ſeven pence halfpenny at intereſt at the rate of five pounds for every hundred by the year, which ſum they have expended for the purpoſes aforeſaid: and whereas the ſaid mayor, ſheriffs, and commonalty have repaid the ſaid ſum of nine hundred and thirty eight pounds ſixteen ſhillings and ſeven pence halfpenny together with ſeventy ſeven pounds thirteen ſhillings and eight pence intereſt due thereon, amounting in the whole to the ſum of one thouſand and ſixteen pounds ten ſhillings and three pence: be it enacted by the authority aforeſaid, That the applotters to be appointed purſuant to this act ſhall and may, and they

1016l. 10s. 3d. expended by mayor, &c. applotted 3 ſucceſſive

they are hereby required, over and above the ſums which they are herein before required to applot on the ſeveral inhabitants of the ſaid city of Cork and the ſuburbs thereof, to applot on the ſaid ſeveral inhabitants according to their ſubſtance the aforeſaid ſum of one thouſand and ſixteen pounds ten ſhillings and three pence, in three equal yearly ſucceſſive applotments; the ſaid applotments to be collected with the firſt, ſecond, and third of the ſaid applotments which ſhall be made after the end of this preſent ſeſſion of Parliament for the erecting, lighting, trimming, ſnuffing, cleanſing, repairing, and maintaining the lamps of the ſaid city of Cork and the ſuburbs thereof; and that the ſaid lamp contractor or contractors ſhall collect and receive the ſame in manner aforeſaid, and ſhall pay over to the chamberlain of the ſaid city of Cork for the uſe of the ſaid mayor, ſheriffs, and commonalty the ſaid ſum of one thouſand and ſixteen pounds ten ſhillings and three pence, as he or they ſhall receive the ſame under the ſaid three applotments thereof reſpectively; and that all and ſingular the lamps, irons, poſts, and other furniture thereunto belonging, now in poſſeſſion of the ſaid mayor, ſheriffs, and commonalty of the ſaid city of Cork, and which were purchaſed with part of the ſaid ſum of one thouſand and ſixteen pounds ten ſhillings and three pence, ſhall go in aid of the execution of this act without any ſum or ſums of money being levied or raiſed for the value or purchaſe of the ſale, ſave the aforeſaid ſum of one thouſand and ſixteen pounds ten ſhillings and three pence; and that every perſon, who ſhall be appointed an applotter in manner herein before ſet forth, and ſhall refuſe or neglect to take upon him the office of applotting the ſaid ſum of one thouſand and ſixteen pounds ten ſhillings and three pence, or ſhall undertake the ſame, and omit or neglect the execution thereof, or ſhall omit or neglect to return the applotment in ſuch manner, and within ſuch time, as herein before is mentioned with reſpect to the other applotments herein before ſet forth, ſhall be liable and ſubject to ſuch penalties, forfeitures, and puniſhments, as he would have been liable to, in caſe he had been guilty of ſuch refuſal, neglect, or omiſſion with reſpect to the other applotments herein before mentioned; and that the aforeſaid lamp contractor or contractors ſhall have the ſame power and authority, and are hereby required, to collect the ſaid ſum of one thouſand and ſixteen pounds ten ſhillings and three pence, in the ſame manner as in caſe of the other applotted ſums herein before mentioned; and that the perſons, on whom any part of the ſaid ſum of one thouſand and ſixteen pounds ten ſhillings and three pence ſhall be applotted, ſhall be liable to the payment of the ſame in like manner, as

years equally, collected, and paid as received,

the lamps, &c. purchaſed with part thereof to go in aid of the execution of this act,

like penalties on neglect of applotters,

like power to collect.

they

they are to the payment of the other ſums herein before mentioned.

Jurors,

no challenge to jurors for want of freehold,

VI. And whereas it has been found, that a ſufficient number of freeholders cannot eaſily be had in the ſaid city qualified to act as jurors in the court of record of the ſaid city, whereby the trials of cauſes in the ſaid court are much retarded to the great loſs and delay of the parties concerned: and whereas there are numbers of wealthy citizens in the ſaid city, who have not freeholds, be it enacted by the authority aforeſaid, That from henceforth the want of freehold ſhall not be a legal or ſufficient objection or challenge to any perſon ſummoned to be a juror in the ſaid court; but that any perſon, poſſeſſed of or worth the ſum of fifty pounds over and above all his juſt debts, ſhall be qualified to be impannelled and ſworn as a juror in the ſaid court, as if ſuch perſon had a ſufficient freehold.

50*l.* above debts a qualification.

Walls,

mayor and council may compel to rebuild, and repair parapet walls as by 3 *G.* 3. 17. to build,

VII. And whereas doubts have ariſen, whether the mayor and council of the ſaid city of Cork are authorized under the herein before recited act of Parliament to compel any perſon or perſons to repair or rebuild the parapet walls of the quays, dykes, or canals of the ſaid city, or to build any parapet walls oppoſite to the ends of ſtreets, lanes, or paſſages leading to the ſaid quays, dykes, or canals, be it enacted by the authority aforeſaid, That as often as any of the ſaid parapet walls ſhall be broken down or out of repair, it ſhall and may be lawful for the ſaid mayor and council from time to time to compel the ſame perſons, who by the ſaid recited act were compelled to build the ſaid walls, to rebuild and repair them in the ſame manner and time, and to the ſame height and dimenſions, as by the ſaid recited act the ſaid perſons were and are compellable to build them, with like power to the ſaid mayor in caſe the ſaid perſons or any of them ſhall neglect or refuſe to rebuild or repair the ſaid walls, as in and by the ſaid recited act is given to the ſaid mayor, in caſe any of the perſons ſhall neglect or refuſe to build the ſaid parapet walls, and with like forfeiture on ſuch perſons ſo neglecting or refuſing; to be recovered and applied in the like manner, as in the ſaid recited act is ſet forth with reſpect to perſons neglecting or refuſing to build the ſaid walls; and that it ſhall and may be lawful for the ſaid mayor and council to compel the occupiers of the corner houſes, cellars, or yards, or (in caſe the ſame be waſte) to compel the owners thereof, at the next adjoining end of any ſtreet, lane, or paſſage leading to any quay, dyke, or canal in the ſaid city of Cork, or in the ſuburbs thereof, to build, rebuild, and repair parapet walls oppoſite to the ends of the ſaid ſtreets, lanes, and paſſages, in the ſaid manner and time, and to the ſame height and dimenſions,

like power and forfeiture on neglect,

and to build rebuild, and repair parapets oppoſite the ends of ſtreets leading to quay, dyke, or canal, in like manner,

sions, as the parapet walls in the said recited act mentioned are to be built, and with like power to the said mayor, in case the said respective occupiers and owners, or any of them, shall neglect or refuse to build, rebuild, or repair the said last mentioned parapet walls, as in and by the said recited act is given to the said mayor with respect to persons refusing or neglecting to build the parapet walls therein mentioned, with like forfeitures on such persons so neglecting or refusing; to be recovered and applied in like manner, and with such privilege of retainer of rent to yearly tenants and tenants at will, as in the said recited act is set forth with respect to persons neglecting or refusing to build the parapet walls in the said recited act mentioned.

like penalties,

and privilege of retainer of rent by tenant for years or at will.

Applotters of publick money,

recital 1 G. 3. 18. *sec.* 1.

VIII. And whereas in and by an act made in the first year of his present Majesty's reign, intituled, *An act for the more easy and equal assessing and applotting all money presented by the grand jury of each assizes to be held for the city and county of the city of Cork, and for putting the coaches, chaises, chairs, and sedans, that ply for hire in the said city, under the like regulations for the benefit of the work house of Cork, as they are in Dublin, and also for the better regulating the harbour of Cork*, it was among other things enacted, That the grand jury of each assizes, to be held for the said city and county of the said city of Cork, should present twenty six persons as applotters for assessing and applotting all publick money, presented to be raised in the said city and county of the said city: and whereas no power was thereby or therein given to the said grand juries to present any money for defraying the expences of the said applotters in the execution of their said offices, be it enacted by the authority aforesaid, That it shall and may be lawful for the grand jury of the said city and county of the said city at the next summer assizes, to be held for the said city and county of the said city after the end of the present session of Parliament, and the said grand jury is hereby required to present all such sums of money, as shall have been expended from the time of enacting the said last mentioned act to the time of holding said summer assizes by the said applotters, or any of them, or by the treasurer of the county of the said city, for pens, ink, books, or paper used by the said applotters, or any of them, in the execution of their offices as applotters, together with the expences of summoning the said applotters from time to time to take the oaths, required to be taken by the said applotters, and to meet and to make applotments; and that the respective grand juries at every assizes, to be held for the said city and county of the said city of Cork after the said summer assizes, shall and may, and they are hereby required to, present all such sums of money

Presentment at assizes of Cork for expences of applotters of publick money.

oney as ſhall have been expended by the ſaid applotters, or any of them, for the purpoſes aforeſaid, between the aſſizes, immediately preceding the aſſizes, at which ſuch preſentment ſhall be made, and ſuch aſſizes at which ſuch preſentment ſhall be made; and the ſeveral ſums ſo preſented for the purpoſes aforeſaid, ſhall be levied and raiſed in the ſame manner, as is preſcribed by the ſaid laſt mentioned act. raiſed as by 1 G. 3. 18.

IX. Provided, That no money ſhall be preſented for any of the aforeſaid purpoſes without an affidavit being previouſly made, that the ſums, to replace which ſuch money is to be preſented, hath been honeſtly and fairly expended for the purpoſes aforeſaid. Affidavit previous of fairly expending.

X. And whereas by an act of Parliament made in the ſaid firſt year of his Majeſty's reign, intituled, *An act for building a ſtone bridge from the quay oppoſite Princes-ſtreet in the city of Cork, to Lavit's Iſland, and a ſtone bridge from thence to the Red Abby Marſh, with a draw-bridge, or lifting-bridge of wood in the centre of the latter, ſufficient to let veſſels paſs and repaſs, and alſo for ſupplying the ſaid city with water*, certain powers therein mentioned for ſupplying the ſaid city with water, were veſted in the common council of the ſaid city of Cork, and ſuch freemen at large of the ſaid city, as ſhould be elected in open court of D'Oyer hundred: and whereas it is thought to be more adviſeable to veſt the ſaid powers in the mayor, ſheriffs, and commonalty of the ſaid city of Cork with liberty to them to appoint a committee to execute the ſaid powers: be it enacted by the authority aforeſaid, That all and ſingular the powers, therein veſted in the ſaid common council and freemen ſhall be, and are hereby diveſted out of the ſaid common council and freemen, and veſted in the ſaid mayor, ſheriffs, and commonalty, and their ſucceſſors for ever, in as full and ample manner, as they were in or by ſaid laſt mentioned act veſted in the ſaid common council and freemen; and that the eſtate, property, right, and title in and to the reſervoirs, canals, trenches, water-courſes, and pipes, to be made, cut, or laid in purſuance, or by virtue of the ſaid laſt mentioned act, together with all profits and advantages accruing from the ſame, or any of them, or from the water in them, or any of them, to be contained, ſhall be, and are hereby veſted in the ſaid mayor, ſheriffs, and commonalty, and their ſucceſſors for ever; and that it ſhall and may be lawful for the mayor, ſheriffs, and commonalty of the ſaid city, under the common ſeal of the ſaid city, to grant any ſhare or ſhares, dividend or dividends, of the profits ariſing from the ſaid reſervoirs, canals, trenches, water-courſes, pipes, and water, or any of them, to ſuch freeman

Water. Power in mayor, ſheriffs, &c by 26 G. 3. c. 28. 1 G. 3. 19. ſ. 2.

powers thereby veſted in common council and freemen veſted in mayor, ſheriffs, and commonalty.

and eſtate and property in water-courſes, &c.

to grant under common ſeal ſhares of profits therefrom to ſuch freemen for ſuch term of years, as by order confirmed by D'Oyer hundred.

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man or freemen at large of the ſaid city, and their executors, adminiſtrators, and aſſigns, and for ſuch term of years, as the mayor, ſheriffs, and common council of the ſaid city by their order or orders, confirmed by the court of D'Oyer hundred of the ſaid city, ſhall appoint; ſuch freeman and freemen, to whom ſuch ſhare or ſhares, dividend or dividends, ſhall be ſo granted, covenanting for him and them, his and their heirs, executors, adminiſtrators, and aſſigns, with the ſaid mayor, ſheriffs, and commonalty to pay a proportionable part of the expence attending the making, digging, cutting, repairing, and keeping in order the ſaid reſervoirs, canals, trenches, water-courſes, and pipes; and that it ſhall and may be lawful for the mayors, ſheriffs, and common council of the ſaid city of Cork, by act or acts of council confirmed by the ſaid court of D'Oyer hundred, from time to time, to make ſuch orders, regulations, and bye laws, concerning the making, preſerving, repairing, or altering the ſaid reſervoirs, canals, trenches, water-courſes, water, and pipes, with ſuch penalties and forfeitures for the breach of the ſaid orders, regulations, and bye laws, and to be recovered and applied in ſuch manner, as to the ſaid mayor, ſheriffs, and common council ſhall ſeem reaſonable: and that ſuch orders, regulations, and bye laws, ſhall be of the ſame force, and have the ſame efficacy, as if they were herein particularly ſet forth and enacted; and that it ſhall and may be lawful for the ſaid mayor, ſheriffs, and commonalty to agree with any perſon or perſons, ſeized or poſſeſſed of any eſtate in fee, or in tail, or for life or lives renewable for ever, or for any term for years, in the county of Cork at certain annual rent or rents, or otherwiſe, as ſhall be agreed on to be paid by the ſaid mayor, ſheriffs, and commonalty, and their ſucceſſors, to ſuch perſon or perſons, his, her, or their heirs, executors, adminiſtrators, or aſſigns, for liberty for ever, or for any number of years which ſhall be agreed on, to take up water from any river on the eſtate or grounds of ſuch perſon or perſons, and to cut, make, and dig canals, trenches, or water courſes, for conveying the ſaid water through the eſtate or grounds of any of the ſaid perſon or perſons; and that any of the ſaid perſon or perſons, notwithſtanding any diſability by coverture, ſettlement, intail, or other impediment, is and are hereby impowered to grant and demiſe the aforeſaid liberty to the ſaid mayor, ſheriffs, and commonalty, and their ſucceſſors.

on covenant to pay proportionable expence,

to make by act of council, confirmed by D'Oyer hundred, orders and bye laws as to water, &c. with penalties, as if herein enacted,

impowered to agree, notwithſtanding any diſability for liberty for ever, or any years, to take up water, dig canals, &c.

XI. Provided, That in caſe any of the ſaid eſtates or grounds ſhall be in tenancy for any term of years not exceeding ſixty, that then, and in every ſuch caſe, the rent, ſo to be agreed upon

Rents agreed on paid to tenants not exceeding 60

upon, by and between the ſaid mayor, ſheriffs, and commonalty, and the ſaid perſon or perſons to whom the fee or freehold of the ſaid eſtates or grounds ſhall reſpectively belong, ſhall belong and be paid to the ſaid reſpective tenants of the ſaid eſtates or grounds during the ſaid reſpective terms, in proportion as the ſaid canals, trenches, and water-courſes ſhall go through the ſaid tenants ſaid lands.

years in proportion as ſaid canals, &c. go thro' their grounds.

Streets,

Commiſſioners for making ſtreets convenient,

XII. And whereas many of the ſtreets, lanes, and paſſages of the ſaid city of Cork and ſuburbs thereof, are too narrow; by means whereof the trade of the ſaid city is greatly obſtructed: be it enacted by the authority aforeſaid, That the mayor and recorder of the ſaid city of Cork for the time being, the right honourable John Hely Hutchinſon eſquire, William Ponſonby eſquire, Henry Sheares eſquire, the ſeveral aldermen of the ſaid city for the time being, Hugh Lawton eſquire, Francis Carleton eſquire, Stephen Denroch eſquire, Riggs Falkiner eſquire, Bayley Rogers eſquire, Walter Travers eſquire, William Verling eſquire, Simon Dring eſquire, Luke Grant eſquire, Kevan Izod merchant, Godfrey Baker merchant, Henry Wrixon eſquire, and William Butler eſquire, ſhall be and are hereby appointed commiſſioners for making wide and convenient ſtreets, ways, and paſſages in the ſaid city of Cork, and the ſuburbs thereof; and that it ſhall be lawful for the ſaid commiſſioners, or the ſurvivors of them, or any five of them, to meet at ſuch times and places in the ſaid city of Cork, as the ſaid commiſſioners, or the ſurvivors of them, or any five of them, ſhall think proper.

to meet as any 5 appoint.

Powers in 31 *G.* 2. 19 veſted in them, the ſame as in ſaid act for Dublin.

XIII. And be it enacted by the authority aforeſaid, That all the powers veſted by an act made in the thirty firſt year of the reign of George the ſecond, intituled, *An act for making a wide and convenient way, ſtreet, and paſſage from Eſſex-bridge to the Caſtle of Dublin, and for other purpoſes therein mentioned*, ſhall be, and are hereby veſted in the herein before mentioned commiſſioners, or any five or more of them; and that all and ſingular the clauſes contained therein, except that clauſe wherein certain commiſſioners therein named, are appointed, ſhall be in as full force with reſpect to the ſaid ſtreet, lanes, and paſſages, and the lands, ground, houſes, and tenements in the ſaid city of Cork, and the ſuburbs thereof, as the ſame are given and granted by the ſaid laſt mentioned act of Parliament, to the commiſſioners therein named, or to be by the authority therein given elected or appointed with reſpect to the ſtreets, lanes, and paſſages, and the lands, ground, houſes, and tenements in the city of Dublin.

A. D. 1765. Chap. 24.

Bridges.

The ſtone bridge erected over the Lee purſuant to 1 G. 3. 19. ſ 1. taken down, a draw-bridge inſtead.

XIV. And whereas by the before mentioned act made in the firſt year of the reign of his preſent Majeſty, it was enacted, That it ſhould be lawful for the mayor, ſheriffs, and commonalty of the city of Cork, to build a ſtone bridge over a branch of the river Lee, running through the ſaid city, from the quay oppoſite to the ſtreet called Princes-ſtreet on Dunſcombs Marſh in the ſaid city, to the northern or oppoſite part of the iſland called Lavits Iſland, and to build one other bridge of two ſtone arches, and a lifting or portcullis bridge over the ſouthern channel of the ſaid river, to the Red Abby Marſh: and whereas it hath been found that it would be more uſeful to the inhabitants of the ſaid city, and to the trade thereof, that a draw bridge or portcullis bridge ſhould be made in the place, where by the ſaid act the ſtone bridge was appointed to be built, namely, from the quay oppoſite to the ſtreet called Princes, to the oppoſite part of the ſaid Lavits Iſland: be it enacted by the authority aforeſaid, That it may and ſhall be lawful for the mayor, ſheriffs, and commonalty of the ſaid city of Cork, to take down the ſtone bridge, which hath been erected over the ſaid branch of the river Lee, which runs between the ſaid iſland and Dunſcomb's Marſh, and in the place and ſtead thereof, to build and erect a turn or draw bridge, or portcullis bridge; and to build, erect, or finiſh a ſtone bridge of three arches over the ſouthern channel of the ſaid river, from the ſaid iſland to the ſaid Red Abby Marſh, in the place where the bridge of two ſtone arches and a portcullis bridge was by the ſaid act appointed to be built.

and a ſtone bridge of 3 arches over the Southern Channel to Red Abbey Marſh.

Markets.

Precept by juſtices to ſheriffs to return to ſeſſions 24 citizens,

12 ſworn as a market jury in open court, one by one.

XV. And whereas the ſaid city of Cork is greatly encreaſed in the number of houſes and inhabitants, inſomuch that the mayor of the ſaid city cannot ſo ſtrictly attend the inſpection of the markets of the ſaid city as uſual, and do the other requiſite duties of his office: be it therefore enacted by the authority aforeſaid, That the juſtices of the peace for the county of the ſaid city, at the time of their iſſuing their precept to the ſheriffs of the county of the ſaid city, for holding the general quarter ſeſſions of the peace for the county of ſaid city, ſhall from time to time iſſue alſo a precept to the ſaid ſheriffs, requiring them to return to the ſaid juſtices at the ſaid ſeſſions, twenty four of the citizens of the ſaid city, twelve of whom to be ſworn as a market jury for the ſaid city; and the ſaid ſheriffs are hereby impowered and required to ſummon, and to return twenty four citizens of the ſaid city, for the purpoſe aforeſaid; and the ſaid juſtices ſhall cauſe the ſaid market jury to be ſworn in open court at the ſaid ſeſſions, one by one, (to wit) that he will well, truly, and diligently execute the office of a market juror of the

Oath,

ſaid city without favour or affection, malice or ill will, to any perſon or perſons whatſoever: and the ſaid market jury for the time being, or any three or more of them, are hereby impowered and required at ſeaſonable hours to viſit the markets, ſtore houſes, working houſes, cellars and ſhops in the ſaid city, where proviſions and victuals are ſold or made up or making up for ſale in the ſaid city, and to inſpect the quality of the ſaid proviſions and victuals; and in caſe the ſaid jury, or any three or more of them, ſhall find any unwholſome or bad proviſions or victuals, or any proviſions or victuals fraudulently or illegally made up, or proviſions or victuals in the hands of any foreſtaller, regrator, or engroſſer, that in every ſuch caſe the ſaid jury, or any three or more of them, are hereby impowered to ſeize the ſaid proviſions or victuals, and the perſon or perſons expoſing the ſame to ſale, or claiming to be the owner or owners thereof, and to carry the ſaid proviſions and victuals, and the perſon or perſons before the mayor of the ſaid city for the time being, who is hereby empowered to diſpoſe of the ſaid proviſions and victuals and of the ſaid perſon or perſons according to law; and that each market jury ſo ſworn, or any three or more of them, ſhall have full power and authority to execute the ſaid office of a market jury from the time of their being ſworn, until the next market jury ſhall be ſworn at the enſuing general quarter ſeſſions of the peace to be held for the county of the ſaid city; and if any perſon, being duly ſummoned and returned by the ſaid ſheriffs to ſerve as a market juror as aforeſaid, ſhall refuſe, neglect, or omit to appear purſuant to the ſaid ſummons, and take the oath aforeſaid, or ſhall neglect or refuſe to execute the ſaid office, it ſhall and may be lawful to and for the ſaid juſtices at their ſeſſions, and they are hereby impowered, to impoſe a fine not exceeding ten pounds, on each and every ſuch perſon; and the mayor of the ſaid city is hereby impowered and required to iſſue his warrant for the levying the ſaid fine by diſtreſs and ſale of the goods and chattels of the ſaid perſon or perſons, and to pay over the ſums ſo levied to the governors of the work houſe of the ſaid city of Cork for the uſe of the ſaid work houſe.

3 to viſit at ſeaſonable hours places for ſale of proviſions, and inſpect the quality,

if unwholeſome, illegal, or in hands of foreſtaller, &c. ſeiſed with the owners,

carried before, and diſpoſed of by the mayor,

to act till next jury ſworn next ſeſſion,

juror refuſing fined, not above 10l.

by diſtreſs and ſale on mayor's warrant,

to the work-houſe.

XVI. And whereas ſeveral frauds are committed by the bakers and meal makers of the ſaid city of Cork: for remedy whereof be it enacted by the authority aforeſaid, That no baker, or ſeller of bread, or meal maker, reſiding in the ſaid city of Cork or ſuburbs thereof, ſhall by himſelf, or herſelf, or others for his or her uſe, buy any corn from any perſon or at any place but in the publick market, where corn is uſually ſold or expoſed to ſale within the ſaid city of Cork, except where

Bakers.

Baker or meal-maker is to buy corn only in publick market in Cork, or from importer,

A. D. 1765. Chap. 24.

the ſame hath been imported, and then only from the merchant, factor, or owner importing the ſame; and if any baker, ſeller of bread, or meal maker, ſhall be convicted of buying corn in any other place or manner than as aforeſaid by the confeſſion of the party, or by the oath of one credible witneſs, before the mayor of the ſaid city, ſuch perſon for every ſuch offence ſhall forfeit five pounds, to be recovered in a ſummary manner before the mayor of the ſaid city, and to be levied by diſtreſs and ſale of the offenders goods by warrant under the hand and ſeal of the mayor of the ſaid city, one half of the ſaid ſum of five pounds to go to the informer, and the other half thereof to the governors of the work houſe of the ſaid city of Cork for the uſe of the ſaid work houſe; that every baker, or perſon making or expoſing bread to ſale, within the ſaid city of Cork and ſuburbs thereof ſhall at all times make the ſame quantity of houſehold as of wheaten bread, unleſs the mayor of the ſaid city ſhall think it neceſſary, that greater quantities of houſehold or other ſorts of bread ſhould be made; and that the mayor of the ſaid city ſhall publiſh the proportions to be ſo baked in the weekly aſſize of bread, or otherwiſe, under his hand; which orders ſo publiſhed the ſaid bakers or ſellers of bread are required to perform; and if any baker or perſon making or expoſing bread to ſale ſhall omit to bake an equal number of houſehold as wheaten loaves, or ſhall not obſerve ſuch orders, that ſhall be publiſhed as aforeſaid, for baking houſehold or other ſorts of bread, every perſon ſo offending, and being thereof convicted by the confeſſion of the party or by the oath of one credible witneſs before the mayor of the ſaid city, ſhall for every ſuch offence forfeit forty ſhillings, to be recovered in the ſummary manner and to be applied as is before mentioned; that no perſon exerciſing the trade of a baker ſhall at the ſame time follow the occupation of a meal maker, or ſhall ſell meal in the ſaid city or the ſuburbs thereof, during the time of his or her exerciſing the trade of a baker on pain of forfeiting five pounds for every ſuch offence, to be recovered in the ſummary manner, and to be levied and applied as is before mentioned.

penalty 5l. before mayor.

by diſtreſs and ſale;

to informer and work-houſe,

make ſame quantity of houſhold as wheaten bread,

ſave otherwiſe ordered, and publiſhed by mayor,

penalty 40s.

bakers not meal-men,

penalty 5l.

XVII. Provided that if any baker, ſeller of bread, or meal maker, ſo convicted in any of the aforeſaid penalties, ſhall think him or herſelf aggrieved, he or ſhe may appeal in writing to the next quarter ſeſſions of the peace for the county of the ſaid city of Cork, where the ſame ſhall be heard in a ſummary manner, and finally determined; and if the perſon ſo appealing ſhall not make good ſuch appeal, or proſecute it with effect, the ſaid court of ſeſſions ſhall award ſuch coſts, as they ſhall

Appeal to ſeſſions,

if diſmiſſed or not proſecuted, coſts to informer and impriſoned till payment,

A. D. 1765.

ſhall think reaſonable to the proſecutor or informer, and commit ſuch offender to the common goal, until he or ſhe ſhall make payment of the ſaid coſts, and alſo the penalty adjudged on the conviction to the informer.

Said acts in force, ſave as repealed, amended, or altered, general iſſue pleaded, &c.

XVIII. And be it further enacted by the authority aforeſaid, That the aforeſaid acts, except ſuch parts thereof as are hereby repealed, amended, or altered, ſhall remain in force, as if this act had never been made; and that if any perſon or perſons ſhall be ſued or moleſted for any thing done by virtue or in purſuance of this act, ſuch perſon or perſons may plead the general iſſue, and give this act (which ſhall be deemed a publick act) and the ſpecial matter in evidence for his and their defence; and if a verdict ſhall paſs for the defendant or defendants, or the plaintiff or plaintiffs diſcontinue his, her, or their action, or be nonſuited, or judgment be given againſt the plaintiff or plaintiffs on demurrer or otherwiſe, the defendant or defendants ſhall have double coſts.

a publick act,

double coſts on nonſuit, &c.

CHAP. XXV.

An Act for making a Turnpike Road from the Town of Athlone in the County of Roſcommon to the Bridge of Balliforan on the River Suck, and from Athlone to the Town of Mount Talbot in the County of Roſcommon.

WHEREAS the high road leading from the bridge of Ballyforan on the river Suck, which divides the county of Galway from the county of Roſcommon to the town of Athlone, and from the town of Mount Talbot to the ſaid town of Athlone, are the great roads, through which the inhabitants of the towns of Galway, Tuam, and of the counties of Galway and Mayo, uſually travel to the city of Dublin, and the ſame are greatly out of repair, and dangerous for travellers, and cannot in a conſiderable ſpace of time be amended by the ordinary courſe appointed by the laws for the repair of highways: wherefore, that the ſaid roads may be amended with convenient ſpeed, be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the moſt reverend lord archbiſhop of Tuam, the right honourable earl Lowth, the right honourable lord Mounteagle, the honourable Peter Kelly Browne eſquire, John French eſquire of French Park, Thomas Mahon eſquire, Robert French of Monivae eſquire, William Talbot eſquire, John Blakeney eſquire,

Truſtees of ſaid roads.

A. D. 1765. Chap. 25.

John Bingham eſquire, Henry Bingham eſquire, Luke Dillon eſquire, Arthur French eſquire, ſir Richard St. George, Dennis Kelly eſquire, reverend Dean Ryder, reverend Dudley Ryder, Robert Waller junior eſquire, Roſs Mahon junior eſquire, John Mahon eſquire, Daniel Kelly eſquire, Samuel Simpſon eſquire, reverend William Digby, Edmund Nettervil eſquire, reverend Jeremy Marſh, Francis Marſh eſquire, John Blake eſquire, Anthony French eſquire, Gregory French eſquire, reverend Alexander Seaton, Charles Blakeney gentleman, Dominick Blake eſquire, Chriſtopher Bellew gentleman, Thomas Coleman gentleman, Martin Darcy gentleman, Andrew French gentleman, Simon Blakeney eſquire, Peter Kelly gentleman, John Farrell gentleman, Thomas Liſter Grange eſquire, Mark Browne eſquire, Darcy French eſquire, Frederick French gentleman, Bernard Rochfort gentleman, Dominick Bellew gentleman, Michael Bellew gentleman, Pierce Lynch gentleman, may be, and they are hereby, nominated and appointed truſtees of the ſaid roads, and the ſurvivors of them.

Any 5 may erect turnpikes,

II. And be it enacted by the authority aforeſaid, That they or any five or more of them, or ſuch perſon or perſons as they or any five or more of them ſhall authorize and appoint, ſhall and may erect or cauſe to be erected one or more gate or gates, turnpike or turnpikes, in, upon, or acroſs any part or parts of the ſaid roads, and alſo a toll houſe or toll houſes,

and take toll,

and there ſhall receive and take the tolls and duties following, before any horſe, mare, mule, gelding, cattle, coach, berlin, chariot, calaſh, chaiſe, chair, waggon, cart, carr, or other carriage, ſhall be permitted to paſs through the ſame (that is to ſay) for every coach, chariot, berlin, calaſh, chaiſe, or chair, drawn by ſix horſes, geldings, or mares, one ſhilling and ſixpence;

for coach, &c. with ſix horſes, 1s. 6d. above 2, 1s. with 2, 6d.

for every coach, chariot, berlin, calaſh, chaiſe, or chair, drawn by a leſſer number of horſes, mares, or geldings, than ſix, and more than two, one ſhilling; for every coach, chariot, berlin, chaiſe, or chair, drawn with two horſes, mares, or geldings, ſix pence;

waggons, &c. 5s. if 2 wheeled and above 2 horſes, 3s. with 2 horſes, 2s.

for every waggon, wain, or cart, with four wheels, five ſhillings; for every waggon, wain, or cart, with two wheels, drawn by more than two horſes, mares, geldings, mules, or oxen, three ſhillings;

1 horſe-chair, 3d.

for every cart, waggon, or carr, drawn with two horſes, mares, geldings, mules, or oxen, two ſhillings; for every carriage called a chair or chaiſe, drawn by one horſe, mare, or gelding, three pence;

carts with 3 inch wheels, 2d, if under 4d.

a horſe 1d,

for every cart or other carriage drawn by one horſe, the wheels of which car are three inches broad, two pence; but if the wheels be a leſſer gauge, four pence; for every other horſe, mare, gelding, mule, or aſs, laden or unladen, one penny; for every drove of

oxen, cows, or neat cattle, the ſum of ten pence *per* ſcore, and ſo in proportion for any greater or leſſer number; for every drove of hogs, calves, ſheep, or lambs, the ſum of five pence *per* ſcore, and ſo in proportion for any greater or leſſer number; which ſaid reſpective ſum or ſums ſhall be demanded and taken in the name of or as a toll or duty; and the money, ſo to be raiſed as aforeſaid, is and ſhall hereby be veſted in the ſaid truſtees, and ſhall be applied and diſpoſed of for the uſes, intents, and purpoſes herein after mentioned; and the ſaid truſtees or any five or more of them are hereby impowered by themſelves, or any perſon or perſons by them or any five or more of them under their hands and ſeals thereunto authorized, to levy the toll or duty hereby required to be paid upon any perſon or perſons, who ſhall after demand made thereof neglect or refuſe to pay the ſame, by diſtreſs of any horſe or horſes, or other cattle, or goods, upon which ſuch toll or duty is by this act impoſed, or upon the goods and chattles of ſuch perſon or perſons who ought to pay the ſame, and may detain and keep the ſame, till ſuch toll or duty with the reaſonable charges of ſuch diſtraining or keeping ſhall be paid; and it ſhall and may be lawful for the perſon or perſons ſo diſtraining after the ſpace of five days from the time of ſo diſtraining to ſell the goods ſo diſtrained, returning the overplus, if any be, upon demand to the owner thereof, after ſuch toll or duty with the reaſonable charges ſhall be paid.

oxen, &c. 10d. *per* ſcore, calves, &c. 5d. veſted in truſtees,

levied by diſtreſs,

and ſale after 5 days.

III. And be it enacted by the authority aforeſaid, That out of the money ariſing from the profits of the ſeveral turnpikes to be erected, the ſaid truſtees, or any five or more of them, ſhall pay the expence of erecting ſuch turnpike or turnpikes, or building ſuch toll houſe or toll-houſes, and after in the making of the ſaid roads, and in keeping the ſame in good repair.

Toll applied firſt to expences,

after to the roads.

IV. And be it enacted by the authority aforeſaid, That if any perſon or perſons, occupying any land near unto any turnpike to be erected in purſuance of this act, ſhall for gain or otherwiſe permit any perſon or perſons to paſs through any gate, paſſage, or way with any coach or other carriage, or riding or driving any horſe, mule, or aſs, or any ſort of cattle, to avoid paying the toll hereby appointed to be paid, and ſhall be thereof convicted upon the oath of one or more witneſs or witneſſes before the ſaid truſtees, or any five or more of them, or before one or more juſtice or juſtices of the peace for the county wherein ſuch offence ſhall be committed, who are hereby impowered to adminiſter ſuch oath, ſuch perſon or perſons ſhall forfeit and pay to the truſtees authorized to put this act in execution the ſum of fifteen ſhillings, to be levied

Permitting paſſage to evade toll, penalty 15s. by 5 truſtees or 1 juſtice.

vied by diſtreſs and ſale of the offender's goods by warrant under the hand and ſeal, or under the hands and ſeals of the ſaid truſtees, or any five or more of them, or ſuch juſtice or juſtices, rendering the overplus to the owner (if any be) after the reaſonable charges being firſt deducted.

Toll applied to the roads reſpectively, intereſt on loans, ſalaries, and expences.

V. Provided, That the tolls to be collected at the gate or gates to be erected at Balliforan, or on any part of the road from Balliforan to the point of the road where it meets the road leading from Mount Talbot to Athlone, ſhall be applied in repairing and for the ſole uſe of the road leading from Balliforan to ſaid point of the road, where the road leading from Mount Talbot falls into it; and in like manner the tolls to be collected at Mount Talbot, or at any gate to be erected between Mount Talbot and the point where the road leading from Mount Talbot falls into the Balliforan road, ſhall be applied in repairing the ſaid road leading from Mount Talbot to the ſaid point of meeting; and all tolls to be collected at any gate to be erected near the town of Athlone, or at any gate to be erected between the town of Athlone and the point where the roads leading to Mount Talbot and Balliforan meet, ſuch tolls ſhall be firſt applied in repairing, and making, and for the uſe of the road lying between the town of Athlone and the point, where the roads to Mount Talbot and Balliforan meet; and after the ſaid road between Athlone and ſaid point ſhall be effectually repaired, the tolls to be collected at any gate to be erected between Athlone and ſaid point of meeting ſhall be divided into two equal parts, one moiety to be applied to the uſe of the road leading to Balliforan, and the other moiety to the uſe of the road leading to Mount Talbot; and the ſaid tolls to be collected in manner aforeſaid ſhall in the like manner be applied reſpectively for the payment of the intereſt of any money to be borrowed, as herein after mentioned, for the uſe of ſaid roads, or any or either of them, or of the intereſt thereof, and in the payment of any ſalaries for officers to be appointed by virtue of this act, or any other expences attending the repair of the ſaid roads reſpectively.

No gate nearer Athlone than weſt of the Roſcommon road.

VI. Provided that no gate to be erected nearer to the town of Athlone than weſt of the point, where the road leading from Roſcommon joins the road leading from Balliforan and Mount Talbot to the town of Athlone.

Side gates, ſo as no double charge.

VII. And be it enacted by the authority aforeſaid, That the ſaid truſtees or any five or more of them are hereby impowered to erect one or more gate or gates, turnpike or turnpikes, on the ſide of the ſaid highway or road croſs any way or lane leading out of the ſaid road, and to build a toll houſe or toll houſes,

houſes, and there to receive and take ſuch toll, as is appointed by this act to be taken; ſo as the ſame does not extend to a double charge in caſe of paſſing the ſame day through any other of the turnpikes to be erected by virtue of this act.

Toll but once a day.

VIII. Provided always, That in caſe there ſhall be more than one gate or turnpike in, croſs, or on the ſide of the ſaid highways or roads intended to be repaired by this act, no perſon on having paid the toll or duty at the firſt gate or turnpike, through which he ſhall paſs, and producing a note or ticket that the ſaid toll or duty was paid, which note or ticket the receiver or receivers is and are hereby required to give *gratis*, ſhall be liable to pay any toll or duty at any other of the ſaid gates on the ſame day; and no perſon paſſing the place where the toll or duty ſhall be paid, who ſhall return the ſame day upon or with the ſame horſe or carriage, ſhall be liable the ſame day to pay the ſaid duty more than once.

Aſſignment of toll for money borrowed, applied to ſame uſes.

IX. And foraſmuch as the money to be collected by ſuch receipts of the ſaid toll will not be at preſent ſufficient for the ſpeedy repair of the ſaid road: be it enacted by the authority aforeſaid, that the ſaid truſtees or any five or more of them ſhall and may, and are hereby impowered from time to time by writing under their reſpective hands and ſeals to aſſign over the ſaid ſeparate toll or duty hereby granted, or any part thereof, the coſts and charges whereof to be born and paid out of ſuch ſeparate toll or duty, for any term or time during the continuance of this act, as a ſecurity for any ſum or ſums of money by them to be borrowed for that purpoſe, to ſuch perſon or perſons or their truſtees, who ſhall advance and lend the ſame, to ſecure the payment thereof with lawful intereſt or leſs, if the ſame can be ſo had; which ſaid money borrowed ſhall be applied and diſpoſed of, as the toll or duty is by this act to be applied and diſpoſed of, and to no other uſe or purpoſe whatſoever.

Warrants to pay intereſt.

X. And be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid truſtees, or any five or more of them, from time to time during the continuance of this preſent act to make out warrants or orders in writing under their hands, directed to the treaſurer or receiver of the ſaid tolls, requiring him to pay thereout to the perſon or perſons named in ſuch warrant or order, their executors, adminiſtrators, or aſſigns, the growing intereſt of the ſum of money mentioned in ſuch warrant or order, as the ſame ſhall from time to time become due, until ſuch time as the principal ſum mentioned in ſuch warrant or order ſhall be paid off and diſcharged.

transferable by indorſement, regiſtered, and numbered,

XI. Provided that no ſuch warrant or order ſhall be for any greater ſum than fifty pounds; and that any perſon, to whom ſuch warrant or order ſhall be given, his or her executors or adminiſtrators, may by indorſement on ſuch orders transfer the right to the ſum therein mentioned; which indorſement ſhall intitle the indorſee or aſſignee, his executors, adminiſtrators, or aſſigns, to the ſole benefit of the ſum ſo transferred; which ſeveral indorſements ſhall be entered in a book *gratis* to be kept by the treaſurer or receiver of the tolls for that purpoſe, who ſhall number all the ſaid orders arithmetically, beginning from number one; and the ſeveral tolls aforeſaid ſhall be applied to the diſcharge of the intereſt of the money ſo to be borrowed, and towards repairing ſaid road, and all ſurplus of ſaid tolls ſhall be applied in diſcharge of the principal money ſo to be borrowed.

tolls applied to intereſt, and repairs,

ſurplus to principal.

Avoiding tolls, penalty 10s. before 3 truſtees or 1 juſtice.

XII. And be it enacted by the authority aforeſaid, That if any perſon or perſons whatſoever with any coach, berlin, chariot, calaſh, chaiſe, or chair, waggon, wain, cart, carr, or other carriage, or riding or driving any horſe, mare, aſs, mule, or any ſort of cattle, ſhall go out of ſaid road into any by ways to avoid the payment of the toll by this preſent act appointed to be paid, and ſhall thereof be convicted upon the oath of one or more witneſs or witneſſes before the ſaid truſtees, or any three or more of them, who are hereby impowered and required to adminiſter ſuch oath, or before one or more juſtice or juſtices of the peace for the county where ſuch offence ſhall be committed, who are alſo hereby impowered and required to adminiſter ſuch oath, ſuch perſon or perſons ſhall forfeit and pay to the truſtees abovementioned, or ſuch perſon and perſons as may hereafter become truſtees by virtue of this preſent act, the ſum of ten ſhillings, to be levied by diſtreſs and ſale of the offender's goods by warrant under the hand and ſeal of ſuch juſtice of the peace, or under the hands and ſeals of the ſaid truſtees, or any three or more of them, rendring the overplus (if any be) to the owner, the charges of taking and diſpoſing of the ſaid goods being firſt deducted.

5 truſtees may carry in a direct line,

houſes, gardens, &c. excepted,

XIII. And be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid truſtees or any five or more of them to aſcertain, deſcribe, and ſet apart ſuch part and proportion of the lands adjoining or contiguous to the ſaid highways or roads, or which otherwiſe lie moſt convenient for carrying on and continuing the ſaid highways or roads ſtraight and in direct lines, not being houſes, gardens, parks, or paddocks adjoining, avenues, plantations, or planted walks, as they the ſaid truſtees or any five or more of them ſhall judge neceſſary

ceſſary for carrying the ſame ſtraight and in a direct line as aforeſaid; and the ſaid truſtees, or any five or more of them, are hereby further authorized and impowered to treat and agree with the owners and others intereſted in the ſaid ground, to be made uſe of in carrying the ſaid road ſtraight as aforeſaid, for ſuch recompence and ſatisfaction to be made for the ſame out of the tolls and duties ariſing by virtue of this preſent act, as the ſaid truſtees, or any five or more of them, ſhall think fit and reaſonable: and in caſe any perſon or perſons ſhall neglect or refuſe to treat or agree as aforeſaid, or through diſability by nonage, coverture, or ſpecial limitation in any ſettlement or ſettlements, or by reaſon of any other impediment, cannot, or otherwiſe howſoever ſhall refuſe to diſpoſe of their reſpective intereſts in ſuch lands, as the ſaid truſtees, or any five or more of them, ſhall think convenient for the ſhortening the ſaid road, in every ſuch caſe, the ſaid truſtees, or any five or more of them, are hereby authorized and impowered to iſſue forth their warrant or warrants to the ſheriff of the county, wherein ſuch ground doth lie, to impannel and return before the truſteees or any five or more of them, at ſuch time and place within the ſaid county, as ſhall be appointed in ſuch warant or warrants, a ſufficient jury, who, upon their oath, which oath the ſaid truſtees, or any five or more of them, are hereby impowered and required to adminiſter, ſhall inquire into the true and real value of ſuch ground, ſo to be made uſe of for the ſaid highways or roads; and ſuch verdicts or inquiſitions, as ſhall be ſo found and returned by the ſaid jury, aſcertaining the value of ſuch ground, ſhall be final and concluſive as well to the ſaid truſtees, as to the ſeveral and reſpective proprietors of ſuch ground, notwithſtanding any diſability or incapacity whatſoever.

may treat with owners of grounds,

on refuſal or diſability, valued by jury,

verdict final.

XIV. And be it enacted by the authority aforeſaid, That the ſaid truſtees, or any five or more of them, at their firſt meeting, or any ſucceeding meeting, by writing under their hands and ſeals, ſhall and may elect, nominate, and appoint one or more fit perſon or perſons to be receiver or receivers, collector or collectors, of ſuch money in the name of ſuch toll or duty, as ſhall be due and payable by virtue of this act, and alſo one or more fit perſon or perſons to be ſurveyor or ſurveyors, to ſee the condition of the ſaid highways or roads, and to ſee that the ſame be repaired and amended; and that the money ariſing and expended by virtue of this act be duly applied, and from time to time to remove ſuch collectors, receivers, and ſurveyors, or any or either of them, as they ſhall ſee occaſion, and appoint new ones in caſe of death, or any ſuch removal; and ſuch perſon or perſons, as is or are liable by this act to pay the ſaid toll or duty, is and

May appoint collectors and ſurveyors,

remove and appoint others,

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are hereby required to pay the ſame after the rates aforeſaid, to the ſaid receiver or receivers, collector or collectors, of the ſaid toll or duty in that behalf from time to time appointed as aforeſaid, for the receiving the ſaid toll or duty; and ſuch ſurveyor or ſurveyors as aforeſaid, ſhall upon oath by the truſtees, or any five or more of them, or before one or more juſtice or juſtices of the peace reſiding near the highways or roads aforeſaid, which oath ſuch truſtees, or any five or more of them, or ſuch juſtice or juſtices is and are hereby impowered and required to adminiſter, on the firſt Tueſday in every month, or oftner, if required, during the continuance of this act, give in a true, exact, and perfect account in writing, under their reſpective hands, of all money which he, and they, and every of them, or any perſon employed by them, or any of them, ſhall to ſuch time have received, paid, and diſburſed by virtue of this act, by reaſon of their reſpective offices, for which no fee or reward ſhall be taken; and in caſe any money ſo received ſhall remain in their or any of their hands, the ſame ſhall be paid to the ſaid truſtees, or any five or more of them, or to ſuch perſon or perſons as the ſaid truſtees, or any five or more of them, ſhall by any writing or writings under their hands and ſeals, authorize and impower to receive the ſame, which ſhall be diſburſed and laid out in amending the ſaid highways or roads, according to the true intent and meaning of this act, and not otherwiſe; and the ſaid truſtees, or any five or more of them, to whom ſuch account ſhall be given, ſhall and may, out of the money ariſing by the ſaid toll or duty make ſuch allowance to the ſaid receiver or receivers, collector or collectors, and the ſurveyor and ſurveyors, for and in conſideration of his and their care and pains reſpectively taken in the execution of his and their office and offices, and to ſuch other perſon or perſons who have been, or ſhall be aſſiſting in and about procuring the ſaid highways and roads to be amended and repaired by advancing and laying out any money, or otherwiſe relating thereunto, as to them ſhall ſeem good; ſo as ſuch allowance or allowances to ſuch collector or collectors do not annually exceed twenty pounds; and to ſuch ſurveyor or ſurveyors any ſum not exceeding two ſhillings a day during ſuch time or times as he or they ſhall be reſpectively employed in the repair of the ſaid roads; and ſo as ſuch allowance or allowances to any other perſon or perſons, who ſhall be employed by virtue of this act, does not exceed the ſum of fifteen pounds yearly to ſuch perſon; and in caſe the ſaid receiver or receivers, collector or collectors, of the aforeſaid toll or duty, or any of them, ſhall not make ſuch account and payment unto ſuch perſon or perſons according to the orders and directions of the ſaid truſtees, or any five or more

ſurveyors to account on oath 1ſt Tueſday monthly, or oftener,

ſurplus in their hands paid to truſtees, and applied to the roads,

allowance to collectors, not above 20l. yearly, ſurveyors 2s. a day while employed, others not above 15l. yearly,

default of account and payment inquired at ſeſſions, and impriſonment till performed.

more of them as aforeſaid, then the juſtices of the peace at any quarter ſeſſions to be held for the county, in which ſuch receiver or collector has acted, are hereby required and impowered to make inquiry, and finally determine concerning ſuch default; and if any perſon or perſons ſhall be convicted thereof by ſuch juſtices, who are hereby impowered to adminiſter an oath to any witneſs or witneſſes for the purpoſe aforeſaid, ſuch juſtices ſhall upon conviction commit the party or parties to gaol, there to remain without bail, until he or they ſhall have made a true account and payment as aforeſaid.

Materials raiſed in neighbouring waſte or common without payment,

XV And be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſurveyor, or overſeer, or overſeers to be appointed by the ſaid truſtees, or any five or more of them, and for ſuch perſon and perſons as he or they ſhall appoint, to dig, raiſe, gather, take, and carry away gravel, furze, ſand, ſtones, or other materials, out of any waſte or common of any pariſh, town, or village, or hamlet, in or near which any founderous or ruinous place of the ſaid highways or roads do lie; and for want of ſufficient gravel, furze, ſand, ſtones, or other materials there, to dig, gather, raiſe, take, and carry away the ſame out of the waſte or common of any neighbouring pariſh, town, village, or hamlet, without paying any thing for the ſame; and where there is not ſufficient of ſuch materials in any commons or waſte grounds near adjoining, it ſhall and may be lawful for him and them to dig, raiſe, and gather the ſame in the ſeveral grounds of any perſon or perſons, not being a garden, orchard, yard, or meadow, planted walk or walks, or avenue to a houſe, where any ſuch materials are or may be found, and from time to time to carry away ſuch and ſo much thereof, as he or they ſhall judge neceſſary for the repairing and amending the ſaid highways or roads, paying ſuch rate for ſuch materials to the owner or occupier of the ground from whence the ſame ſhall be digged, raiſed, gathered, and carried away, as the truſtees, appointed or to be appointed to put this act in execution, or any five or more of them, ſhall adjudge reaſonable.

if not ſufficient, then in any other grounds, except gardens, &c.

paying as by 5 truſtees adjudged.

Truſtees poſſeſſed of 10l. yearly freehold, or 500l. perſonal,

XVI. And be it further enacted by the authority aforeſaid, That no perſon ſhall be hereafter elected a truſtee to put this act in execution, who ſhall not actually be in poſſeſſion of a freehold eſtate of the clear yearly value of ten pounds, at the time of his being elected a truſtee, or who ſhall not have a perſonal eſtate of the clear yearly value of five hundred pounds; and that upon any doubt ariſing of the value of ſuch eſtates the perſon ſo elected, before he ſhall be admitted to act as a truſtee, if any truſtee ſhall require it, ſhall ſwear, that his eſtate is of the ſaid value, before five truſtees aſſembled at a board, which oath the

ſworn thereto at a board, if required.

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said truſtees are hereby impowered and authorized to adminiſter.

Giver and receiver of ticket to avoid toll, forfeit 10s.

XVII. And for preventing frauds and abuſes in the ſaid tolls and duties, be it enacted by the authority aforeſaid, That if any perſon or perſons, having paid the toll or duty by this act granted and made payable, and having ſuch note or ticket, notes or tickets, as are hereby required, ſhall give or diſpoſe of the ſame, to any perſon or perſons in order to avoid the payment of the ſaid toll or duty, every ſuch perſon giving, diſpoſing, or offering, and the perſon receiving ſuch note or ticket, notes or tickets, and being thereof convicted upon the oath of one or more witneſs or witneſſes before the ſaid truſtees, or any five or more of them, or before any one or more juſtice or juſtices of the peace of the county wherein ſuch offence or offences ſhall be committed, which oath the ſaid truſtees and the ſaid juſtice or juſtices are hereby impowered to adminiſter, ſhall reſpectively forfeit and pay the ſum of ten ſhillings, to be levied, recovered, and diſpoſed of as any other penalty or forfeiture is directed to be levied, recovered, and diſpoſed of by this act.

Continued to 1 May 1827.

XVIII. And be it enacted by the authority aforeſaid, That the tolls or duties hereby granted ſhall take place and have continuance from and after the ſaid firſt day of May in the year of our Lord one thouſand ſeven hundred and ſixty ſix, for and during the term of ſixty one years.

Unleſs adjudged by truſtees repaired, and loan repaid.

XIX. Provided nevertheleſs, That if at any time before the expiration of the ſaid term of ſixty one years, all parts of the ſaid roads ſhall be ſufficiently amended and repaired, and ſo adjudged by the majority of the truſtees, appointed or hereafter to be choſen by virtue of this act, by an adjudication made, and repayment to the ſeveral and reſpective perſons of all ſums of money as ſhall have been paid or borrowed with the lawful intereſt for the ſame, and the coſts and charges thereof, the ſaid tolls and duties ſhall ceaſe and determine; any thing herein contained to the contrary notwithſtanding.

7 truſtees on death, removal, or refuſing, may elect others in ſaid counties.

XX. And be it enacted by the authority aforeſaid, That for the continuing of a ſufficient number of able perſons to be truſtees for putting in execution all and every the powers in this act contained for and during the continuance thereof, it ſhall and may be lawful to and for the ſaid truſtees, or any ſeven or more of them, upon the death of any of the ſaid truſtees, or their removal, or refuſing or neglecting to act in the ſaid truſt, from time to time, and at all times hereafter during the term aforeſaid, to elect, nominate, and appoint in the room of ſuch truſtee or truſtees ſo deceaſed, removed, or refuſing to act, another fit and able perſon, or ſo many more fit or able perſons living in the

counties of Galway, Mayo, and Roſcommon, to be joined with the ſaid truſtees in the execution of all and every the power and powers in them repoſed by virtue of this act; and all and every perſon and perſons to be choſen truſtee or truſtees to join in putting this act in execution, as they are herein before qualified to do, ſhall and are hereby impowered to act to all intents and purpoſes, in as full, large, and ample manner, as the ſaid truſtees are by this act impowered to do, and ſo *toties quoties*, as often as occaſion ſhall require. A. D. 1765.

XXI. And be it enacted by the authority aforeſaid, That this act ſhall be deemed, adjudged, and taken to be, a publick act, and be judicially taken notice of as ſuch by all judges, juſtices, and other perſons whatſoever, without ſpecially pleading the ſame. A publick act.

CHAP. XXVI.

An Act for making a Turnpike Road leading from the Town of Moneſterevan in the County of Kildare, to the Town of Portarlington, and from thence to the Towns of Mountmellick and Roſenallis in the Queen's County, and from thence to the Town of Birr in the King's County, and from thence to Lahinch near the River Shannon in the County of Tipperary.

WHEREAS the highways or roads leading from the city of Dublin through the towns of Moneſtereven in the county of Kildare, to the towns of Portarlington, Mountmellick, and Roſenallis in the Queen's county, and from thence to the town of Birr in the King's county, and from thence to Lahinch near the river Shannon in the county of Tipperary, by reaſon of the many windings and turnings thereof, and of the ſteep hills and hollow ways through which the ſaid road from Moneſterevan to Lahinch paſſes, and the deepneſs of the ſoil, and the great ſcarcity and want of gravel convenient or contiguous thereto, are become ſo ruinous and bad, that in the winter ſeaſon many parts thereof are impaſſable for waggons, carts, cars, and carriages, and very dangerous for travellers, and cannot by the ordinary courſe appointed by the laws and ſtatutes of this realm be effectually amended and kept in good repair: wherefore, and to the intent that the ſaid highways or roads may with convenient ſpeed be effectually amended, and hereafter kept in good and ſufficient repair, ſo that all perſons may travel through the ſame with ſafety; be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons in this preſent Parliament aſſembled,

A. D. 1765. Chap. 26.

Truſtees named.

and by the authority of the ſame, That for the better ſurveying, ordering, and amending, and keeping in repair the ſaid highways and roads, it ſhall be in the power of the right honourable the earl of Drogheda, lord Digby, lord Milton, ſir William Parſons baronet, ſir Kildare Dixon Burrowes, William Henry Dawſon eſquire, William Pole eſquire, John Parnell eſquire, Hunt Walſh eſquire, Henry Lyons eſquire, Peter Holmes eſquire, ſir John Mead baronet, honourable Robert Rochford eſquire, Lancelott Sandes eſquire, John Dawſon eſquire, John Digby eſquire, Duke Tyrrell eſquire, Jonathan Darby eſquire, Giffard Neſbitt eſquire, William Vaughan eſquire, Warrenford Armſtrong eſquire, Andrew Armſtrong eſquire, Edward Palmer eſquire, Thomas Stannus eſquire, George Evans eſquire, Robert Flood eſquire, Anthony Sharp eſquire, Luke Flood eſquire, Edward Wall eſquire, Thomas Bernard eſquire, Thomas Drought eſquire, Robert Drought eſquire, Dowdall Pigott eſquire, Thomas Sabatier eſquire, Michael Lewis eſquire, Henry Prittie the elder eſquire, Henry Prittie the younger eſquire, John Blumfield eſquire, William Parſons eſquire, archdeacon Synge, reverend Abraham Downes clerk, Robert Weldon eſquire, Henry Leſtrange eſquire, Thomas Coghlan eſquire, Robert Mullock eſquire, reverend John Mullock, Owen Mooney eſquire, Edmond Armſtrong eſquire, Thomas Armſtrong eſquire, Terence Magrath eſquire, Samuel Judge eſquire, Jonathan Berry eſquire, doctor John Heenhan, Euſebius Drought eſquire, Godfrey Henſworth eſquire, George Holmes eſquire, Bartholomew Boyd Elliott eſquire, ſir Thomas Dancer, Francis Sadlier eſquire, John Loyd eſquire, George Fraſier eſquire, reverend Richard Warburton, clerk, major George Clarges, reverend Thomas Hemſworth, reverend dean Coote, reverend Guy Atkinſon, reverend archdeacon Carey, Lamley Higgins eſquire, Henry Croaſdaile eſquire, doctor ——— Staunton, Henry Palmer of Birr gentleman, Thomas Strangeman gentleman, Samuel Strangeman gentleman, George Pillſworth gentleman, Jonathan Clarke gentleman, John Humphreys gentleman, Moſes Pim gentleman, David Chanders gentleman, Hawkins Ireland gentleman, Henry White gentleman, Gilbert White gentleman, William Abbot gentleman, James Jackſon the younger, gentleman, Robert Jackſon gentleman, Nathaniel Pindar gentleman, Roger Finch gentleman, Henry Courtney gentleman, Henry Palmer junior gentleman, Joſeph James gentleman, Nathaniel Hobbart gentleman, Matthew Hobbart gentleman, Francis Short gentleman, William Jeſſop gentleman, Joſeph Marſhal gentleman, Benjamin Friend gentleman, John Friend gentleman, George Clarke gentleman, John Clarke gentleman,

tleman, William Golding ſenior gentleman, William Golding junior gentleman, David Latimer gentleman, Charles Melſop gentleman, George Bohanan gentleman, Knight Berry gentleman, Jeremiah Hankes junior gentleman, Luke Uſher gentleman, John James gentleman, Thomas Spooncr gentleman, Uliſſes North eſquire, Lyons Kane eſquire, John Coates gentleman, and Thomas Humphreys gentleman, who are hereby nominated and appointed truſtees of the ſaid roads, and the ſurvivor and ſurvivors of them, that they, or any ſeven or more of them, ſhall authorize and appoint, and ſhall and may erect or cauſe to be erected, one or more gate or gates, turnpike or turnpikes, in, upon, or croſs any part or parts of the ſaid highways or roads leading from Moneſterevan to Portarlington, and from thence to the towns of Mountmellick and Roſenallis to the town of Birr, and from thence to Lahinch aforeſaid, and alſo a toll houſe or toll houſes, and there ſhall receive and take the tolls and duties following, before any horſe, mare, or gelding, aſs or mule, cattle, coach, berlin, chariot, calaſh, chaiſe, chair, waggon, wain, cart, car, or other carriage ſhall be permitted to paſs through the ſame, viz. for every coach, berlin, chariot, calaſh, chaiſe, or chair drawn by ſix horſes, geldings, mares, mules, or aſſes, or more, the ſum of one ſhilling and ſix pence; and for every coach, berlin, chariot, calaſh, chaiſe, or chair, drawn by four horſes, geldings, mares, mules, or aſſes, the ſum of one ſhilling; and for every coach, berlin, chariot, calaſh, chaiſe, or chair, drawn by two horſes, geldings, mares, mules, or aſſes, the ſum of eight pence; for every waggon, wain, cart, or carriage with four wheels, five ſhillings; for every waggon, wain, cart, or carriage, with two wheels, drawn by three or more horſes, geldings, mares, mules, aſſes, or beaſts of draft, one ſhilling; for every waggon, wain, cart, or carriage with two wheels, drawn by two horſes, geldings, mares, mules, aſſes, or beaſts of draft, the ſum of four pence; for every carriage, commonly called a chair or chaiſe, drawn by one horſe, gelding, mare, mule, or aſs, the ſum of four pence; for every cart, car, or other carriage, having but one horſe, mare, gelding, mule, aſs, or beaſt of draft, the ſum of three halfpence; for every horſe, mare, gelding, aſs, or mule, with any perſon riding thereon, the ſum of three halfpence; for every horſe, gelding, mare, mule, or aſs, or beaſt of burthen, not drawing, laden or unladen, one penny; for every drove of oxen, cows, or neat cattle, the ſum of one ſhilling and eight pence by the ſcore, and ſo in proportion for any greater or leſſer number; for every drove of hogs, calves, ſheep, goats, or lambs, the ſum of of ten pence by the ſcore, and ſo in proportion for any greater

any 7 may erect turnpikes,

and take toll,

coaches, &c. and 6, 1s. and 6d.

by 4, 1s.

by 2, 8d.

waggon, &c. 5s,

2 wheeled and 3 horſes 1s.

with 2 horſes 4d.

1 horſe chair 4d. cars, &c. 3 halfpence,

horſe and rider 1½d.

beaſt not drawing 1d.

oxen 1s. and 8d. per ſcore, calves, &c. 10d.

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or leſſer number; and for every carriage whereon ſhall be carried or borne any millſtone, the ſum of five ſhillings; and which ſaid reſpective ſum and ſums of money ſhall be demanded and taken in the name of, and as a toll or duty; and the money ſo to be raiſed as aforeſaid, is and ſhall be hereby veſted in the ſaid truſtees; and the ſame, and every part thereof, ſhall be paid, applied, diſpoſed of, and aſſigned to and for the ſeveral uſes, intents, and purpoſes, and in ſuch manner, as is herein after mentioned and directed; and that the ſaid truſtees, or any ſeven or more of them, are hereby themſelves, or any perſon or perſons by them, or any ſeven or more of them, under their hands and ſeals thereunto authorized, to levy the tolls and duties hereby required to be paid, upon any perſon or perſons, who ſhall after demand made thereof, neglect or refuſe to pay the ſame, by diſtreſs of any horſe or horſes, or other cattle, or goods, upon which tolls or duties are by this act impoſed, or upon any other of the goods or chattels of ſuch perſon or perſons who ought to pay the ſame, and may detain and keep the ſame, until ſuch toll or duty with the reaſonable charges of ſuch detaining or keeping ſhall be paid; and that it ſhall and may be lawful to and for ſuch perſon or perſons ſo diſtraining, after the ſpace of five days after ſuch diſtreſs made and taken, to ſell the goods ſo diſtrained, returning the overplus, if any be, upon demand to the owner thereof, after ſuch toll, duty, and reaſonable charges for diſtraining, keeping, and ſelling the ſame ſhall be deducted and paid.

millſtone 5s.

toll veſted in truſtees

levied by diſtreſs,

and ſale after 5 days.

Applied 1ſt to expences,

II. And be it alſo enacted by the authority aforeſaid, That out of the firſt money ariſing from the profits of the ſeveral turnpikes ſo to be erected, the ſaid truſtees, or any ſeven or more of them, ſhall firſt pay and diſcharge the expence of procuring this act of Parliament, and of erecting ſuch turnpike and turnpikes, and building ſuch toll houſe or toll houſes; and from and after ſuch charges and expences ſhall be fully ſatisfied and paid, that then, and from thenceforth, the profits ariſing, and the tolls to be collected at any turnpike or turnpikes to be erected and ſet up on the ſaid roads, or any part thereof, ſhall be applied for and towards the repair of the ſaid road only, and not elſewhere.

then to repair ſaid road.

Permitting paſſage, penalty 10s.

III. And be it alſo enacted by the authority aforeſaid, That if any perſon or perſons whatſoever owning, renting, or occupying any land near unto any turnpike to be erected in purſuance of this act, ſhall for gain, reward, or otherwiſe wittingly or willingly permit any perſon or perſons whatſoever to paſs through any gate, paſſage, or way with any coach, berlin, chariot, calaſh, chaiſe, or chair, waggon, wain, cart, or carriage, or riding

ing, or leading, or driving any horſe, aſs, or mare, or any ſort of cattle, and be thereof convicted upon oath before the ſaid truſtees, or any ſeven or more of them, or before one or more juſtice or juſtices of the peace for the county wherein ſuch offence or offences ſhall be committed, who are hereby impowered and required to adminiſter ſuch oath, every perſon ſo offending, ſhall forfeit and pay to the truſtees authorized to put this act in execution, the ſum of ten ſhillings, to be levied by diſtreſs and ſale of the offenders goods, by warrant under the hand and ſeal, or under the hands and ſeals of the ſaid truſtees, or any ſeven or more of them, or ſuch juſtice or juſtices, rendering the overplus to the owner, if any be, the charges in taking and diſpoſing of ſuch goods being firſt deducted.

before 7 truſtees or a juſtice.

IV. And be it alſo enacted by the authority aforeſaid, That it ſhall and may be lawful for the ſaid truſtees, or any ſeven or more of them, to erect one or more gate or gates, turnpike or turnpikes, on the ſide of the ſaid highways or roads acroſs any lane or way leading out of the ſaid road, and to build one or more toll houſe or toll houſes, and there to receive and take ſuch toll as is appointed by this act to be taken; ſo as the ſame does not extend to a double charge in caſe of paſſing through any other of the turnpikes to be erected by virtue of this act, between the ſaid towns of Moneſterevan and the bridge on or near the lands of Litter, over a river which divides the Queen's county from the King's county, and from thence between the ſaid town of Lahinch in the ſaid county of Tipperary, in their reſpective diviſions, as herein after is mentioned.

Side gates,

ſo as no double charge.

V. And be it alſo enacted by the authority foreſaid, That the road leading from the ſaid town of Moneſterevan to the ſaid bridge near the ſaid lands of Litter, may be erected into a ſeparate and diſtinct turnpike; and that a toll may be collected and received on that part of the ſaid road ſeparate and diſtinct from the toll to be collected and received on the other part of the ſaid road, which leads from the ſaid bridge near Litter to the ſaid town of Lahinch; and that from the ſaid bridge near Litter to the ſaid town of Lahinch, may be erected into another ſeparate and diſtinct turnpike; ſo as that a toll may be collected and received on that part of the ſaid road ſeparate and diſtinct from the toll to be collected or received on the other part of the ſaid road, which leads from the ſaid town of Moneſterevan to the ſaid bridge near Litter.

Separate turnpikes.

VI. And be it alſo enacted by the authority aforeſaid, That the ſaid truſtees, or any ſeven or more of them, at their firſt meeting, or any ſucceeding meeting, by writing under their hands and ſeals ſhall and may elect, nominate, and appoint, one or

Appoint receivers and ſurveyors,

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more fit perſon or perſons to be receiver or receivers, collector or collectors, for ſuch money, in the name of ſuch tolls or duties, as ſhall be due and payable by virtue of this act, and alſo one or more fit perſon or perſons to be ſurveyor or ſurveyors to ſee the condition of the ſaid highways or roads, and to ſee the ſame be repaired and amended, and that the money ariſing and expended by virtue of this act, be duly applied, and from time to time to remove ſuch collectors, receivers, and ſurveyors, or any or either of them, as they ſhall ſee occaſion, and appoint new ones in caſe of death or of ſuch removal; and ſuch perſon or perſons, as is or are by this act liable to pay the ſaid tolls or duties, is and are hereby required to pay the ſame after the rates aforeſaid, to the ſaid receiver or receivers, collector or collectors, of the ſaid tolls and duties in that behalf, from time to time appointed as aforeſaid; and the perſons ſo appointed as aforeſaid for receiving the ſaid tolls and duties, and all ſuch ſurveyor and ſurveyors as aforeſaid, ſhall upon oath, if thereunto required by the ſaid truſtees, or any ſeven or more of them, or before one or more juſtice or juſtices of the peace reſiding near the ſaid highway or road aforeſaid, which oath ſaid truſtees, or any ſeven or more of them, or ſuch juſtice or juſtices, is and are hereby impowered and required to adminiſter, on the firſt Thurſday in every month, if thereunto required, during the continuance of this act, give in a true and perfect account in writing under their reſpective hands of all monies, which he and they, and every or any of them, ſhall to ſuch time have received, paid, and diſburſed by virtue of this act by reaſon of their reſpective offices, for which oath no fee or reward ſhall be taken; and in caſe any money ſo received ſhall remain in their or any of their hands, the ſame ſhall be paid to the ſaid truſtees, or any ſeven or more of them, or to ſuch perſon or perſons as the ſaid truſtees, or any ſeven or more of them, ſhall by any writing or writings under their hands and ſeals authorize and impower to receive the ſame, which ſhall be diſburſed in amending the ſaid highways or roads, according to the true intent and meaning of this act, and not otherwiſe; and that the ſaid truſtees, or any ſeven or more of them, to whom ſuch account ſhall be given, ſhall and may out of the money ariſing by the ſaid tolls and duties, make ſuch allowance to the ſaid receiver or receivers, collector or collectors, and the ſurveyor or ſurveyors, for and in conſideration of his and their care and pains reſpectively taken in the execution of his and their office and offices, and to ſuch other perſon or perſons who have been or ſhall be aſſiſting in and about procuring the ſaid highways and roads to be amended and repaired by advancing and laying out any

remove and appoint others,

accountable 1ſt Thurſday monthly on oath, if required,

ſurplus paid to truſtees,

allowance to collectors not above 45l. yearly,

any moneys or otherwiſe relating thereto, as to them ſhall ſeem good; ſo as ſuch allowance or allowances to ſuch collector or collectors do not annually exceed in the whole the ſum of forty five pounds ſterling, and to ſuch ſurveyor or ſurveyors the ſum of two ſhillings and ſix pence *per diem*, during ſuch time or times as he or they ſhall reſpectively be employed in the repair of the ſaid roads, and ſo as ſuch allowance or allowances to any other perſon or perſons, who ſhall be employed by virtue of this act, do not exceed the ſum of fifteen pounds yearly to each perſon; and in caſe the ſaid receiver or receivers, collector or collectors of the aforeſaid tolls or duties, or any of them, ſhall not make ſuch account and payment unto ſuch perſon or perſons according to the orders or directions of ſuch truſtees, or any ſeven or more of them as aforeſaid, that then the ſaid juſtices of the peace at any ſpecial ſeſſions or meeting of them to be holden for the county, in which the ſaid receiver or receivers, collector or collectors, have acted, or been employed, made ſuch default as aforeſaid, ſhall and are hereby required and impowered to make enquiry, and finally to determine of and concerning ſuch default, as well by confeſſion or examination upon oath of the ſaid parties themſelves, as by the teſtimony of one or more credible witneſs or witneſſes upon oath, which oath they are hereby impowered and required to adminiſter without fee or reward; and if any perſon or perſons ſhall be convicted thereof by ſuch juſtices, the ſaid juſtices ſhall upon ſuch conviction commit the party or parties to the common gaol of the county, where ſuch offence ſhall be committed, there to remain without bail or mainprize, until he or they ſhall have made a true and perfect account and payment as aforeſaid.

to ſurveyors 2s. and 6d. a day while employed, others not above 15l. yearly each,

not accounting and paying, inquired at ſeſſions,

impriſoned till performance.

VII. And be it alſo enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid ſurveyor or ſurveyors, and ſuch perſon or perſons as he or they ſhall appoint, to dig, raiſe, gather, take, and carry away any gravel, furze, ſand, ſtones, or other materials, out of any waſte or common of any pariſh, town, village, or hamlet, in or near which any ruinous place of the ſaid high roads do lie; and for want of ſufficient gravel, furze, ſand, ſtones, or other materials there, to dig, gather, raiſe, take, and carry away the ſame out of the waſte or common of any neighbouring pariſh, town, village or hamlet, without paying any thing for the ſame; and where there is not ſufficient of ſuch materials in any commons or waſte grounds near adjoining, it ſhall and may be lawful for them by order of the ſaid truſtees, or any ſeven or more of them, to dig, raiſe, and gather the ſame in the ſeveral grounds of any perſon or perſons, not being a garden, orchard, yard, or meadow,

Materials raiſed in neighbouring common without paying.

or in any grounds, ſave gardens, &c. making ſatisfaction as by 7 truſtees adjudged.

dow, planted walk or walks, or avenues to a houſe, where any ſuch materials are or may be found, and from time to time to carry away ſuch or ſo much thereof, as the ſaid ſurveyor or ſurveyors in their reſpective places ſhall adjudge neceſſary for the repairing and amending the ſaid highways or roads, paying ſuch rate for ſuch materials, and for the damage to the owner or occupier of the ground from whence the ſame ſhall be digged, raiſed, gathered, and carried away, as the truſtees appointed, or to be appointed to put this act in execution, or any ſeven or more of them ſhall judge reaſonable; and in caſe any difference between ſuch owner or occupier and the ſaid truſtees, touching the value of the materials and damage aforeſaid ſhall ariſe, in every ſuch caſe, the ſaid truſters, or any ſeven or more of them, are hereby authorized and impowered to iſſue forth their warrant or warrants to the ſheriff or ſheriffs of the county, wherein ſuch materials ſhall be digged, raiſed, or gathered, to impannel and return before the ſaid truſtees, or any ſeven or more of them, at ſuch time and place within the ſaid county, as ſhall be appointed in ſuch warrant or warrants, a ſufficient jury, who upon their oaths, which ſaid oaths the ſaid truſtees, or any ſeven or more of them, are hereby impowered and required to adminiſter, ſhall enquire into the real damages ſuſtained on that account, and ſhall adjudge, aſſeſs, and finally determine the ſame.

differences ſettled by jury returned by ſheriffs on warrant of truſtees.

VIII. And whereas the ſaid highway or road leading from the ſaid town of Monſterevan to the ſaid town of Portarlington, and from thence to the ſaid towns of Mountmellick, Roſenallis, Birr, and Lahinch, on account of the many windings and turnings thereof, and the ſteep hills over which the ſame paſſes, as the ſame now runs from one town to the other, may be conſiderably ſhortened, and made much more convenient for travellers, if the ſame was carried in a ſtraight and direct line, where the ſame is now crooked, from the ſaid town of Monaſterevan to the ſaid town of Portarlington, and from thence to Mountmellick through Roſenallis and Birr to the ſaid town of Lahinch: wherefore, and that all juſt and reaſonable ſatisfaction may be given for the land made uſe of in carrying the ſaid road ſtraight as aforeſaid, be it alſo enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid truſtees, or any nine or more of them, to aſcertain, deſcribe, and ſet apart ſuch part and proportion of the land adjoining or contiguous to the ſaid highway or road, as they the ſaid truſtees, or any nine or more of them, ſhall judge neceſſary for carrying the ſaid road from the ſaid town of Monaſterevan to the ſaid town of Portarlington, and

9 truſtees may carry in direct lines. ſave gardens, &c.

from thence to Mountmellick aforeſaid, and from thence to Roſenallis, and from thence to Birr, and from thence to Lahinch aforeſaid, in a ſtraight line as aforeſaid, provided that no part of the ſaid lands ſo to be ſet apart be built on, and that the ſame be not part of any garden, orchard, yard, planted walk, or avenue to a houſe, or of a park or paddock for deer; and that the ſaid truſtees, or any twelve or more of them, are hereby authorized and impowered to treat and agree with the owners and others intereſted in the ſaid ground to be made uſe of in carrying the ſaid road from the ſaid town of Moneſterevan to Portarlington, and from thence to Mountmellick aforeſaid, and from thence to Roſenallis and to Birr, and from thence to Lahinch aforeſaid, in ſtraight and direct lines as aforeſaid, for ſuch recompence and ſatisfaction to be made for the ſame out of the tolls and duties ariſing by virtue of this act, as the ſaid truſtees, or any twelve or more of them, ſhall think fit and reaſonable: and in caſe any perſon or perſons ſhall refuſe to treat or agree as aforeſaid, or through any diſability by nonage, coverture, or ſpecial limitation in any ſettlement or ſettlements, or by reaſon of any other impediment, cannot or otherwiſe howſoever ſhall refuſe to diſpoſe of their reſpective intereſts in ſuch lands, as the ſaid truſtees, or any twelve or more of them, ſhall think convenient for making the ſaid road as aforeſaid, in every ſuch caſe the ſaid truſtees, or any twelve or more of them, are hereby authorized and impowered to iſſue forth their warrant or warrants to the ſheriff or ſheriffs for the county, wherein ſuch ground doth lie, to impannel and return before the ſaid truſtees, or any twelve or more of them, at ſuch time and place within the ſaid county as ſhall be appointed in ſuch warrant or warrants, a ſufficient jury, who upon their oaths, which ſaid oaths the ſaid truſtees, or any twelve or more of them, are hereby impowered and required to adminiſter, ſhall enquire into the true and real value of ſuch ground, to be made uſe of for the ſaid highway or road; and ſuch verdicts and inquiſitions, as ſhall be ſo found and returned by the ſaid jury, as contained the value of ſuch ground, ſhall be final and concluſive, as well to the ſaid truſtees, as to the ſeveral and reſpective owners and proprietors of ſuch ground, notwithſtanding any ſuch diſability or incapacity whatſoever.

12 may treat with land owners,

on refuſal or diſability valued by jury,

verdict concluſive.

IX. And be it alſo enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid ſurveyor and ſurveyors, and ſuch perſon or perſons as he or they ſhall appoint, from time to time to remove and prevent annoyances on any part of the ſaid highways or roads, hereby intended to be repaired, by removing any dung, filth, aſhes, rubbiſh, water-

Annoyances removed,

courſes, ſinks, or drains running unto the ſaid highways or roads, and by cleanſing any ditch or watercourſe adjoining to the ſaid road, or by cutting down, lopping, or topping any trees or buſhes growing in the ſaid highways, or in the hedges or banks adjacent to the ſaid highways, and to take and carry away the ſame, the owners or occupiers refuſing to cut down ſuch trees or buſhes, or to remove ſuch other annoyances, for the ſpace of eight days after notice given in writing for that purpoſe under the hands of ſeven of the ſaid truſtees, the charges thereof ſhall be reimburſed the ſaid ſurveyor or ſurveyors by ſuch owners or occupiers neglecting to cut down the ſaid trees or buſhes, or remove ſuch other annoyances as aforeſaid; and if after removal of any ſuch annoyances any perſon or perſons ſo offending, and being thereof convicted upon oath before one or more juſtices of the peace for the ſaid county where ſuch offence ſhall be committed, ſhall for every ſuch offence forfeit and pay unto the ſaid truſtees the ſum of ten ſhillings, to be levied in manner aforeſaid; and if any owners or occupiers of any watercourſes, ditch, or ditches, adjoining to the ſaid highways or road, ſhall neglect to ſcour or cleanſe ſuch watercourſes, and to make ſuch ditches ſo deep and in ſuch manner, as the ſurveyor or ſurveyors ſhall adjudge proper and convenient, after eight days notice ſhall be given for that purpoſe by ſuch ſurveyor or ſurveyors to be appointed, or ſuch perſon or perſons as ſhall be appointed by him or them, to ſuch owner or owners, it ſhall and may be lawful to and for the ſurveyor or ſurveyors to ſet any man or men to work to ſcour, or cleanſe, or make the ſame, and by warrant from any ſeven or more of the ſaid truſtees to levy the charges thereof upon the perſons, goods, or eſtates of the owner or owners, occupier or occupiers of ſuch watercourſes, ditch or ditches, by diſtreſs and ſale of his, her, and their goods and chattels, rendering the overplus, if any be, to the ſaid owner or occupier, after all charges paid.

owner refuſing 8 days after written notice,

reimburſed by owner,

after removal penalty 10s.

ſcour water courſes, and ditches, on like neglect and levy the charge.

X. And foraſmuch as the money, ſo to be collected by the receipt of the ſaid tolls, will not be ſufficient for the ſpeedy ſhortening and repairing of the ſaid ways or roads: therefore be it further enacted by the authority aforeſaid, That the ſaid truſtees, or any fifteen or more of them, ſhall, and may, and are hereby impowered, at any meeting or board, and not otherwiſe, from time to time during the continuance of this act to make warrants or orders in writing under their hands, directed to the treaſurer or receiver of the ſaid tolls, thereby requiring him to pay the perſon named in ſuch warrant or order, his or their executors, adminiſtrators, or aſſigns, the growing intereſt of the ſum of money mentioned in ſuch warrant or order at the rate of ſix pounds by the hundred by the year,

15 truſtees at a board may iſſue orders to pay intereſt 6l. *per cent.*

year, or leſs, if the ſame can be ſo had, as the ſame ſhall become due, until ſuch time as the principal ſum mentioned in ſuch warrants or order ſhall be paid off and diſcharged in one intire payment.

Not above 50l.

XI. Provided that no warrant or order, to be iſſued to the ſaid treaſurer or receiver by virtue of this act, ſhall be for any greater ſum than the principal ſum of fifty pounds.

Transferable by indorſement on notice, and entered,

XII. And be it alſo enacted by the authority aforeſaid, That all and every perſon or perſons, to whom ſuch warrant or order ſhall be given, his or their executors or adminiſtrators, may by indorſements of ſuch warrants or orders transfer the right and benefit of the ſums mentioned therein; which indorſements upon notice to the treaſurer or receiver of the ſaid tolls, and an entry or memorial thereof made in a book or books to be kept for that purpoſe, which the ſaid treaſurer or receiver ſhall upon requeſt without charge, fee, or reward, make accordingly, and ſhall upon the requeſt of any perſon or perſons permit the ſame to be viewed at reaſonable hours without fee or reward, ſhall intitle the indorſee or aſſignee his or her executors, adminiſtrators, or aſſigns, to the ſole benefit of the ſum ſo tranſferred or aſſigned; and the ſaid warrant or order may in like manner be aſſigned and transferred by ſuch aſſignee, his or her executors or adminiſtrators, and ſo from time to time; and that after ſuch aſſignment it ſhall not be in the power of the perſon or perſons, who made ſuch aſſignment or indorſement, to make void, releaſe, or diſcharge the ſaid aſſignment, or the ſum thereby transferred, or aſſigned or any part thereof.

not afterwards in power of aſſignor.

Orders numbered.

XIII. And be it alſo enacted by the authority aforeſaid, That the reſpective treaſurer or receiver of the ſaid tolls ſhall arithmetically number all the warrants and orders, which ſhall be given or delivered out in purſuance of this act, as they ſhall be delivered out, commencing with number one, and ſo continuing the numbers till the whole be arithmetically numbered.

Tolls applied to intereſt of loans, not above 6000l.

XIV. And be it alſo enacted by the authority aforeſaid, That the ſeveral and reſpective tolls and duties, hereby made payable for the turnpikes to be erected as aforeſaid, ſhall be applied and paid to the diſcharge of the intereſt of ſuch ſum and ſums of money, as ſhall be hereafter borrowed for the uſe of the ſaid road, not exceeding in the whole the ſum of ſix thouſand pounds; and that all the ſurplus of ſaid tolls and duties hereby made payable, over and above what ſhall be ſufficient to diſcharge the ſaid intereſt, and the ſeveral ſalaries payable purſuant to this act, and repair the ſaid road, and keep the ſame in good order from time to time, ſhall be ap-

ſurplus to principal,

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plied reſpectively towards the diſcharge of ſuch principal ſum as ſhall hereafter be borrowed as aforeſaid, in manner hereafter mentioned (that is to ſay) that when and as often as ſuch ſurplus received by the ſaid treaſurer or receiver ſhall amount to the ſum of one hundred pounds, then the ſaid treaſurer or receiver ſhall cauſe the numbers of all the warrants or orders, which ſhall be reſpectively iſſued or delivered out in purſuance of this act, and the ſum therein contained, to be written on ſeveral tickets or pieces of parchment; and to be rolled and ſealed up, and put into a box or urn, and well mixed together and an indifferent perſon ſhall publickly between the hours of ten and twelve in the forenoon of a day, to be by the treaſurer or receiver publickly advertiſed in the Dublin Gazette or ſome other publick paper for that purpoſe at leaſt twenty days before, at the Tholſel of the city of Dublin draw out of ſuch box or urn as many of the ſaid tickets or pieces of parchment, as the ſum therein contained ſhall amount to the ſaid ſum of one hundred pounds; and the perſon or perſons, the number of whoſe warrants or orders ſhall be ſo drawn, his or their executors, adminiſtrators, or aſſigns, ſhall, within twenty days after the ſaid warrants or orders ſhall be drawn, be paid by the ſaid treaſurer or receiver the principal ſum to him or them reſpectively due with the intereſt for the ſame till paid, and ſhall upon payment thereof deliver up his and their ſeveral and reſpective warrants or orders to the ſaid treaſurer or receiver to be cancelled, which is hereby required to be cancelled accordingly; and the intereſt, payable by virtue of ſuch warrants or orders, ſhall ceaſe from the expiration of twenty days, to be computed from the day of drawing ſaid tickets or pieces of parchment.

when 100l. received drawn by ballot.

Toll paid but once.

XV. Provided always, That in caſe there ſhall be more than one gate or turnpike in, acroſs, or on the ſide of the ſaid highways or roads between the ſaid town of Moneſterevan and the ſaid bridge over the ſaid river, which divides the ſaid Queen's county from the ſaid King's county, no perſon or perſons, having paid the toll or duty at the firſt gate or turnpike, through which ſuch perſon or perſons ſhall paſs, and producing a note or ticket that the ſaid toll or duty was paid, which note or ticket the receiver or receivers, collector or collectors, is and are hereby to give *gratis*, ſhall be liable to pay any toll or duty at any other of the ſaid gates or turnpikes upon or on the ſide of the ſaid highway or road, ſuch perſon or perſons delivering the ſaid note or ticket to the ſaid receiver or receivers, collector or collectors, of the ſaid toll or duty at the latter gate or turnpike the ſaid perſon ſhall ſo go

out of; and no perſon or perſons, having occaſion to paſs to the place or places where the toll or duty is taken, and who ſhall return the ſame day upon or with the ſaid horſe, mare, or gelding, aſs, mule, cattle, coach, chariot, berlin, chaiſe, chair, calaſh, waggon, cart, carr, or other carriage, ſhall be liable or compellable the ſame day to pay the ſaid toll or duty more than once on the ſaid road between Moneſtereven and the ſaid bridge over the ſaid river, which divides the ſaid Queen's county from the ſaid King's county, and alſo to pay in like manner only between the ſaid bridge and Lahinch, the ſame being two ſeparate and diſtinct diviſions of the ſaid road, out of each of which the tolls and duties aforeſaid are hereby made payable as aforeſaid.

Penalty 10s. on giver and receiver of ticket to avoid toll.

XVI. And be it alſo enacted by the authority aforeſaid, That if any perſon or perſons having paid the tolls or duties by this act granted and made payable, and having ſuch note or ticket, notes, or tickets, as hereby directed, ſhall give or diſpoſe of the ſame to any perſon or perſons in order to avoid the payment of the ſaid toll or duty, every ſuch perſon giving, diſpoſing, or offering, and the perſon receiving ſuch note or ticket, notes or tickets, and being thereof convicted upon oath before the ſaid truſtees, or any ſeven or more of them, or before any one or more juſtice or juſtices of the peace for the county wherein ſuch offence or offences ſhall be committed, which oath the ſaid truſtees and the ſaid juſtice or juſtices are hereby impowered to adminiſter, ſhall reſpectively forfeit and pay the ſum of ten ſhillings, to be levied, recovered, and diſpoſed of, as any other penalty or forfeiture is directed to be levied, recovered, or diſpoſed of by this act.

Compoſition for toll.

XVII. And be it alſo enacted by the authority aforeſaid, That the ſaid truſtees or any ſeven or more of them may and are hereby impowered from time to time, as they ſhall ſee convenient and think fit, to compound and agree by the year or otherwiſe with any of the inhabitants of any of the towns, through which the ſaid road runs, or of the vicinity thereof, to travel through the turnpike or turnpikes, to be erected in purſuance of this act, with any milch cows, horſe, mare, or gelding, aſs or mule, or with any coach, berlin, calaſh, chaiſe, chair, waggon, cart, carr, or other carriage, for any ſum or ſums of money, to be paid quarterly after the ſaid agreement ſhall be made.

Exempt from toll.

XVIII. Provided that no perſon ſhall be charged with any of the ſaid tolls or duties, who ſhall carry ſtones, gravel, or other materials for repairing the ſaid roads, or corn in the ſtraw, plows, harrows, or other implements of huſbandry in

order to the uſing and repairing of the ſame in the ſeveral pariſhes in which ſaid highways or roads, hereby intended to be repaired, do lye; nor ſhall any toll or duty be demanded or taken at any of the turnpikes to be erected for any horſe, mare, or gelding, aſs, or mule, or other cattle going to water; or for any poſt horſe carrying the mail or packet; or for the horſes of ſoldiers that are on their march; or for waggons, carts, carrs, or other carriages attending them; or travelling with vagrants ſent by paſſes, or with priſoners tranſmitted from one part of the kingdom to another.

Continued 61 years from 1 June 1766,

XIX. And be it alſo enacted by the authority aforeſaid, That the tolls and duties hereby granted ſhall take place and have continuance only from and after the firſt day of June in the year of our Lord one thouſand ſeven hundred and ſixty ſix, and for and during the term of ſixty one years.

Unleſs the road by truſtees adjudged repaired and loans repaid.

XX. Provided always, That if at any time before the ſaid expiration of the ſaid term of ſixty one years all parts of the ſaid road ſhall be ſufficiently amended and repaired, and ſo adjudged by the majority of the truſtees, appointed or hereafter to be choſen by virtue of this act, by an adjudication under their hands and ſeals, that then from and after ſuch adjudication made, and repayment of the money as ſhall have been advanced or borrowed, with intereſt for the ſame, and the coſts and charges thereof, the ſaid tolls and duties ſhall ceaſe and determine, any thing contained to the contrary notwithſtanding.

New truſtees elected living in ſaid counties.

XXI. And be it alſo further enacted by the authority aforeſaid, That for the continuing of a ſufficient number of fit and able perſons to be truſtees for putting in execution all and every the powers in this act contained for and during the continuance thereof, it ſhall and may be lawful to and for the ſaid truſtees, or any ſeven or more of them, upon the death of any of the ſaid truſtees, removal, or refuſing to act in the ſaid truſt, by any writing or writings under their hands and ſeals from time to time and at all times hereafter during the term aforeſaid, to elect, nominate, and appoint in the room of ſuch truſtee or truſtees ſo deceaſed, removed, or refuſing to act, ſo many more fit and able perſon or perſons, living in the ſaid counties of Kildare, Queen's county, King's county, or county of Tipperary, to be joined with the ſaid truſtees in the execution of all and every the power and powers in them repoſed by virtue of this act; and all and every perſon or perſons ſo to be choſen truſtee or truſtees to join in putting this act in execution, as they are herein before qualified to do, ſhall and may, and are hereby impowered to act to all intents and purpoſes

poſes in as full, large, and ample manner, as the ſaid truſtees are by this act impowered to do, and ſo *toties quoties* as often as occaſion ſhall be or require.

15 may demiſe not above 3 years.

XXII. And be it alſo enacted by the authority aforeſaid, That the ſaid truſtees, or any fifteen or more of them, ſhall and may, and are hereby impowered, from time to time by any agreement or agreements, leaſe or leaſes, demiſe or demiſes in writing, to be reſpectively executed by the ſaid reſpective truſtees or any fifteen or more of them reſpectively under their hands and ſeals, to demiſe or leaſe, ſet or let, all or any part of the ſaid reſpective tolls and turnpikes to ſuch perſon or perſons, as they ſhall reſpectively think fit, for ſuch time and term not exceeding three years, and for ſuch rents and yearly income, as they ſhall reſpectively think fit; and that all and every ſuch rent and yearly income ſhall be applied, as herein before is directed and appointed, in making and repairing the ſaid reſpective roads, and in keeping the ſame in good repair from time to time, and in diſcharge of ſuch principal ſum of money and intereſt as ſhall hereafter become due by virtue of this act; and alſo that it ſhall and may be lawful to and for the perſon or perſons, who ſhall take any leaſe or leaſes, demiſe or demiſes, of all or any part of the ſaid reſpective tolls and turnpikes, to take and receive to their own proper uſe and behoof the tolls and profits, which ſhall ariſe from ſuch reſpective turnpikes, as they ſhall reſpectively ſo take, they paying the ſaid reſpective yearly income to the ſaid reſpective truſtees according to their ſeveral agreements, any thing herein contained to the contrary notwithſtanding.

Meeting of truſtees.

XXIII. And be it alſo further enacted by the authority aforeſaid, That the ſaid truſtees, or any twenty one or more of them, ſhall meet at the Tholſel of the city of Dublin on the firſt Tueſday in the month of June in the year of our Lord one thouſand ſeven hundred and ſixty ſix; and the ſaid truſtees ſhall then adjourn themſelves, and afterwards meet there or at any other place or places near the ſaid highways or roads to be repaired, as the ſaid truſtees, or any ſeven or more of them ſhall think proper or convenient, as often as it ſhall be neceſſary for putting this act in execution.

For want of a number the clerk to fix 21 days notice at the gates.

XXIV. And be it alſo enacted by the authority aforeſaid, That if it ſhall happen, that there ſhall not appear at any meeting, that ſhall be appointed to be had or held by the ſaid truſtees, a ſufficient number of truſtees to act at ſuch meeting, and adjourn to any other day, then and in ſuch caſe the clerk or regiſter to ſaid truſtees by notice in writing, to

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be affixed at the reſpective gates or turnpikes at leaſt twenty one days before the next meeting, ſhall appoint the ſaid truſtees to meet at the houſe, where the meeting of the ſaid truſtees was laſt appointed to be held, or at ſome other convenient houſe near the ſaid road.

No place of profit to truſtee.

XXV. Provided that no perſon or perſons, appointed or to be appointed as truſtees for putting this act in execution, ſhall have or accept of any place of profit ariſing out of or by reaſon of the toll or duty by this act laid or granted; but ſuch perſon or perſons ſhall be incapable from the time of accepting and continuing to enjoy ſuch place of profit of acting as a truſtee.

A publick act.

XXVI. And be it alſo further enacted by the authority aforeſaid, That this act ſhall be deemed, adjudged, and taken to be a publick act, and be judicially taken notice of as ſuch by all judges, juſtices, and other perſons whatſoever without ſpecially pleading the ſame.

CHAP. XXVII.

An Act for the more effectual keeping in Repair the Road leading from the Bridge of Dundalk in the County of Lowth through the Lands of Forkil to the Bridge of Mowhan, and from thence to the Newry Turnpike Road near the Eight Mile Stone in the County of Armagh.

WHEREAS the highway or road leading from the bridge of Dundalk in the county of Lowth through the lands of Forkil to the new bridge of Mowhan, and from thence to the Newry turnpike road near the eight mile ſtone in the county of Armagh, being found of general utility and advantage to travellers going through and from the northern parts of this kingdom, and of late very greatly frequented, and by reaſon of the great expence, which hath already attended the laying out and new making the greater part of the ſaid road, the ſame cannot by the ordinary courſe appointed by the laws and ſtatutes of this realm be effectually amended and kept in good and ſufficient repair: wherefore, and to the intent that the ſaid highway and road be hereafter kept in good and ſufficient repair, be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent parliament aſſembled, and by the authority of the ſame,

Truſtees named,

That it ſhall and may be lawful to and for his grace the lord primate, the right honourable James earl of Clanbraſſil, the right honourable James earl of Charlemont, Sir Archibald Acheſon, and

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and Sir Caple Molyneaux baronets, William Brownlow, Arthur Acheſon, Arthur Cope, and Richard Jackſon eſquires, the reverend doctor Waller Cope, the reverend doctor Benjamin Barrington, Robert Sibthorp, William Foſter, and John Godley eſquires, the reverend doctor William Godley, and the reverend doctor Hugh Hamilton, the reverend doctor Francis Hamilton, the reverend Thomas Wooliey, John Page eſquire, Michael Obins, William Blacker, John Moore, Henry Richardſon, Roger Hall, Maxwell Cloſe, Edward Obre, Arthur Graham, Robert Scot eſquire, Robert Carliſle eſquire, Samuel Mc Geough, William Ogle, Benjamin Thompſon, gentlemen, Thomas Ball, Richard Johnſton, Thomas Tipping, and Nicholas Johnſton, Francis Obre, Edward Tipping, Meredith Workman, James Bell, Malcum Mc Neale, and Henry Clarke eſquires, together with the two knights of the ſhire for the county of Lowth, the two members for the borough of Dundalk and the bailiff of Dundalk for the time being, and the ſurvivor and ſurvivors of them, ſhall be and are hereby nominated and appointed truſtees of the ſaid road; and they or any five or more of them, or ſuch perſon or perſons as they or any five or more of them ſhall authorize and appoint, may erect or cauſe to be erected one or more gate or gates, turnpike or turnpikes, upon, or acroſs, or on the ſide of any part or parts of the ſaid highway or road, ſave and except within one mile and an half from the ſaid town of Dundalk and the town of Forkhill reſpectively, and alſo one or more toll houſe or toll houſes, and there ſhall demand, receive, and take the tolls and duties following, before any horſe, mare, gelding, aſs, or mule, cattle, coach, berlin, chariot, calaſh, chaiſe, chair, waggon, wain, cart, carr or other carriage ſhall be permitted to paſs through the ſame, *viz.* for every coach, berlin, chariot, calaſh, chaiſe, or chair, drawn by ſix horſes, geldings, mares, or mules, or by more than ſix, the ſum of two ſhillings and ſix pence; and for every coach, berlin, chariot, calaſh, chaiſe or chair, drawn by four horſes, geldings, mares, or mules, the ſum of one ſhilling and ſix pence; and for every coach, berlin, chariot, calaſh, chaiſe, or chair, drawn by two horſes, geldings, mares, or mules, the ſum of one ſhilling; and for every waggon, wain, cart, or carriage, with four wheels, the breadth thereof being nine inches at the ſole, and the ſtreaks thereof ſet on with flat or roſe headed nails, drawn by three or more horſes, the ſum of ſix pence; and for every waggon, wain, cart, or carriage with two wheels, the breadth thereof being nine inches at the ſole, and the ſtreaks thereof ſet on with flat or roſe headed nails, drawn by two or more horſes, geldings, mares, aſſes, or mules, the ſum of three pence; for every waggon, wain, or cart with four wheels, narrower than nine inches, the ſum of

any 5 may erect turnpikes,

not within a mile and a half of Dundalk and Forkhill, and take toll,

coach and 6, 2s. 6d.

by 4, 1s. 6d.

by 2, 1s.

4 wheeled waggons 9 inches with flat nails, by 3 horſes, 6d.

2 wheeled and 2 horſes 3d.

4 wheeled under 9 inches, 10s.

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ten ſhillings; for every waggon, or wain with two wheels, narrower than ſix inches, having two or more horſes, the ſum of five ſhillings; for every waggon, wain, or cart with two wheels, drawn by two or more horſes, mares, geldings, aſſes, or mules, the breadth of the wheels being ſix inches at the ſole, and the ſtreaks thereof ſet on with flat or roſe headed nails, the ſum of four pence; for every carr or cart having but one horſe, mare, or gelding, the breadth of the wheels thereof being three inches at the ſole, and the ſtreaks thereof ſet on with flat or roſe headed nails, the ſum of three half pence; for every carr, or cart with wheels narrower than three inches, the ſum of one ſhilling, at each and every turnpike gate on the ſaid road; and for every carriage commonly called a chair or chaiſe, drawn by one horſe, mare, gelding, or mule, the ſum of ſix pence; and for every horſe, mare, gelding, mule, or aſs, laden or unladen, and not drawing, the ſum of one penny; and for every drove of oxen, cows, or neat cattle, the ſum of twenty pence by the ſcore, and ſo in proportion for any greater or leſſer number; and for every drove of calves, hogs, ſheep, or lambs, the ſum of ten pence by the ſcore, and ſo in proportion for any greater or leſſer number; and for every carriage, whereon ſhall be carried or born any millſtone or millſtones, two ſhillings and ſix pence; and for every horſe, mare, gelding, or other cattle, coach, berlin, chariot, calaſh, chaiſe, chair, waggon, wain, cart, carr, or other carriage travelling on Sunday from ſunriſe to ſunſet double the aforeſaid tolls, ſo to be paid by them on other days; which ſaid reſpective ſum and ſums of money ſhall be demanded and taken in the name of or as a toll or tolls; and the money thereby to be raiſed and collected is and ſhall be veſted in the ſaid truſtees, and the ſaid tolls, and every part thereof, ſhall be applied and diſpoſed of, and aſſigned to and for the ſeveral uſes, intents, and purpoſes, and in ſuch manner, as herein after is mentioned and declared; and they the ſaid truſtees, or any five or more of them, are hereby impowered by themſelves, or any perſon or perſons by them or any five or more of them thereunto authorized, to levy the tolls by this act laid upon any ſuch perſon or perſons, who ſhall after demand thereof made neglect or refuſe to pay the ſame as aforeſaid, by diſtreſs of any horſe, gelding, mare, mule, or other cattle or goods, upon which ſuch tolls are by this act impoſed, or upon any other of the goods and chattles of ſuch perſon or perſons, who ought to pay the ſame, and may detain and keep the ſame, until ſuch tolls with the reaſonable charges of ſuch detaining and keeping ſhall be paid; and it ſhall and may be lawful to and for ſuch perſon and perſons ſo diſtraining, after the ſpace of four days after ſuch diſtreſs made and taken,

2 wheeled under 6. with 2 horſes, 5s. if 6 with flat nails, 4d.

cars, &c. with 3 inch wheels and flat nails, 1½d. if under 3 inches 1s.

1 horſe chair 6d.

a horſe, &c. 1d.

oxen 20d. per ſcore; calves, 10d.

millſtone 2s. 6d.

double toll on Sunday,

veſted in truſtees,

levied by diſtreſs,

and ſale after 4 days.

to

to ſell the ſaid cattle or goods ſo diſtrained and taken, returning the overplus, if any there be, upon demand to the owner or owners thereof, after ſuch tolls and reaſonable charges for diſtraining, keeping, and ſelling the ſame, ſhall be deducted and paid.

Fiſh carriages 2 wheeled free.

II. Provided that no fiſh carriage, which ſhall have two or more wheels, and ſhall be employed only in carrying of fiſh from any ſea port, ſhall be liable to pay any of the tolls impoſed by this act; but all ſuch carriages ſhall and may paſs toll free on all parts of the ſaid road.

Orders for paying intereſt.

III. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid truſtees, or any five or more of them, from time to time, during the continuance of this preſent act to make out orders in writing under their hands, directed to the treaſurer or receiver of the ſaid tolls, thereby requiring him to pay thereout to the perſon or perſons named in any debenture or warrant hereafter to be made out, their executors, adminiſtrators, and aſſigns, the growing intereſt of the ſaid ſum of money mentioned in ſuch debenture or warrant, as the ſame ſhall from time to time become due, until ſuch time as the principal ſum mentioned in ſuch debenture or warrant ſhall be paid off and diſcharged at one intire payment.

Not above 50l.

IV. Provided that no debenture or warrant, to be iſſued by virtue of this act, ſhall be for any greater ſum than the principal ſum of fifty pounds.

Transferable by indorſement,

V. Be it further enacted by the authority aforeſaid, That all and every perſon or perſons, to whom ſuch debentures or warrants ſhall be given, his, her, or their executors or adminiſtrators, may by indorſements on ſuch debentures or warrants transfer the right and benefit of the ſum mentioned in ſuch debentures or warrants; which indorſements upon notice to the treaſurer or receiver of the ſaid tolls, and an entry or memorial thereof made in a book to be kept for that purpoſe, which entry or memorial the ſaid treaſurer or receiver ſhall upon requeſt without charge, fee, or reward make accordingly, and ſhall on the like requeſt permit to be viewed at all reaſonable hours without fee or reward, ſhall intitle the indorſee or aſſignee, his, her, and their executors, adminiſtrators, or aſſigns, to the ſole benefit of the ſum ſo transferred or aſſigned; and that the ſaid debenture or warrants may in like manner be aſſigned or transferred by ſuch aſſignee, his, her, or their executors, or adminiſtrators, and ſo *toties quoties*; and that after ſuch aſſignment it ſhall not be in the power of the perſon or perſons, who made ſuch aſſignment, to make void, releaſe, or diſcharge the ſaid

on notice and entry,

not afterwards in power of aſſignor.

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assignment, or the sum thereby transferred or assigned, or any part thereof.

Debentures numbered.

VI. And be it further enacted by the authority aforesaid, That the treasurer or receiver of the said tolls shall arithmetically number all the debentures or warrants, which shall be issued in pursuance of this act, commencing by number one, and so continuing the numbers till the whole be arithmetically numbred.

Tolls after expences and interest applied to repair.

VII. And be it further enacted by the authority aforesaid, That the several tolls and duties hereby made payable shall, after the payment of the costs and expence attending the passing of this act, and collecting the said tolls, and discharging the interest arising on the several debentures or warrants, be expended in repairing all such parts of the said road, as hath lately been new made, and which shall hereafter be new made thereon, and to no other use or purpose whatsoever, except as hereafter to be mentioned.

Permitting passage to avoid toll, 10s. each party.

VIII. And be it further enacted by the authority aforesaid, That if any person or persons whatsoever, owning, renting, or occupying any land near unto any turnpike, hereafter to be erected in pursuance of this act, shall for any gain, reward, or otherwise willingly permit any person or persons whatsoever to pass through any gate, passage, or way with any coach, berlin, chariot, calash, chaise or chair, wain, cart, carriage, or riding or driving any horse, ass, mule, or any sort of cattle, to avoid the payment of the toll hereby appointed to be paid, and be thereof convicted upon oath before the said trustees, or any five or more of them, or before one or more justice or justices of the peace for the county wherein such offence or offences shall be committed, who are hereby impowered and required to administer such oath, every person permitting such evasion, and also every person making use thereof, shall each of them forfeit and pay to the trustees, authorized to put this act in execution, the sum of ten shillings, to be levied by distress and sale of the offenders goods by warrant under the hand and seal of such justice or justices, or under the hands and seals of the said trustees, or any five or more of them, rendering the overplus, if any be, to the owner, the charges in taking and disposing of the said goods being first deducted.

Side gates.

IX. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said trustees or any five or more of them to erect one or more gate or gates, turnpike or turnpikes, bar or bars, toll house or toll houses, on the side of the said highways or roads across any lane or way leading from or out of the said road, and there to receive and take such

toll, as ſhall be appointed by the ſaid truſtees, or any five or more of them; ſo that ſaid toll does not exceed one half of the tolls to be paid at any of the turnpikes to be fixed acroſs ſaid road, and that the ſaid tolls be alſo applied as aforeſaid. half toll.

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X. And be it further enacted by the authority aforeſaid, That the ſaid truſtees, or any five or more of them, at their firſt meeting or any ſucceeding meeting by writing under their hands and ſeals ſhall and may elect, nominate, or appoint one treaſurer or receiver for the time being with a collector or collectors of ſuch money at one or more gate or gates, as ſhall be due and payable by virtue of this act; and the ſaid truſtees or any five or more of them ſhall, as they may ſee occaſion, appoint a new treaſurer, collector or collectors; and ſuch perſon or perſons, as is or are by this act liable to pay the ſaid toll or duties, is and are hereby required to pay the ſame after the rates aforeſaid to the ſaid treaſurer, collector, or collectors of the ſaid toll or duties in that behalf from time to time appointed as aforeſaid; and the perſon or perſons ſo appointed as aforeſaid ſhall upon oath, if thereto required by the ſaid truſtees or any five or more of them, which oath the ſaid truſtees or any five or more of them are hereby impowered to adminiſter, as often as occaſion may require during the continuance of this act give in a true, exact, and perfect account in writing under their reſpective hands of all monies, which he and they, and every or any of them, ſhall to ſuch time have received, paid, and diſburſed by virtue of this act by reaſon of their reſpective offices, for which oath no fee or reward ſhall be taken: and in caſe any money ſo received ſhall remain in their or any of their hands, the ſame ſhall be paid over to the ſaid truſtees, or any five or more of them, or to ſuch perſon or perſons as the ſaid truſtees, or any five or more of them, as they are hereby qualified to act, ſhall by any writing or writings under their hands and ſeals authorize and impower to receive the ſame: and the ſaid truſtees or any five or more of them, to whom ſuch account ſhall be delivered, ſhall and may out of the money ariſing by the ſaid tolls or duties make ſuch allowances unto the ſaid treaſurer, collector, or collectors for the time being for and in conſideration of his and their care and pains reſpectively taken in the execution of his and their reſpective office and offices, and to ſuch other perſon or perſons, who have been or ſhall be aſſiſting in and about procuring the repair of the ſaid highways and roads, as to the ſaid truſtees or any five or more of them ſhall ſeem good; ſo as ſuch allowance or allowances to ſuch treaſurer or treaſurers

To appoint a treaſurer and collector,

accountable on oath, if required,

ſurplus paid to truſtees or order,

allowances by truſtees,

not above 20l. yearly to treaſurer.

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rers do not exceed annually in the whole the ſum of twenty pounds.

Security by treaſurer,

XI. Provided always, That ſuch treaſurer after his appointment, and before he enters upon the duty of ſaid office, ſhall be obliged to give ſuch ſecurity for the faithful and juſt diſcharge of ſaid office, as the truſtees named in this act, or any five or more of them, ſhall think proper; and that ſuch allowance or allowances to ſuch collector or collectors, do not annually exceed in the whole the ſum of ten pounds for each reſpective collector.

allowance to collectors not above 10l. yearly,

No publick houſe by collector or overſeer.

XII. Provided always, That no perſon or perſons hereafter to be appointed as collector or collectors of tolls, overſeer or overſeers in repairing the ſaid road by virtue of this act, ſhall at any time during his or their being ſo employed keep a publick houſe, or vend or ſell by retail any malt or ſpirituous liquors or liquors of any kind.

Materials raiſed in any grounds, not orchard, &c. paying owner as by 5 truſtees adjudged

XIII. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid overſeer or overſeers, and ſuch perſon or perſons as he or they, or the ſaid truſtees, or any five or more of them, ſhall appoint, to dig, raiſe, gather, and take any gravel, ſhrubwood, furze, ſand, ſtones, or other materials out of the ſeveral grounds of any perſon or perſons, not being orchard, or deer, park, yard, planted walk or walks, or avenue to a houſe, where any ſuch materials are and may be found, and from time to time to carry away ſuch and ſo much thereof, as the ſaid overſeer or overſeers in their reſpective places ſhall judge neceſſary and at all times moſt convenient for the repairing and amending the ſaid highway or road, paying ſuch rate for ſuch materials, and for the damage to the owner or occupier of the ground from which the ſame ſhall be digged, raiſed, gathered, and carried away, as the truſtees, appointed or to be appointed to put this act in execution, or any five or more of them ſhall adjudge reaſonable; and in caſe any ſuch owner or occupier of the grounds, where ſuch materials may be had, or any other perſon ſhall oppoſe or hinder the perſon or perſons ſo as aforeſaid authorized in ſearching for, raiſing, digging, or carrying away any gravel, ſhrubwood, furze, ſand, ſtones, or other materials, every ſuch perſon or perſons ſo offending, being thereof convicted upon oath before one or more juſtice or juſtices of the peace for the ſaid county, where ſuch offence ſhall be committed, ſhall for every ſuch offence forfeit the ſum of twenty ſhillings to be paid to the ſaid truſtees, and levied by diſtreſs and ſale of the ſaid offenders goods and chattels, in ſuch manner as the penalties herein before mentioned are appointed to be levied.

penalty oppoſing 20s.

XIV. And

XIV. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the overſeer or overſeers, and ſuch perſon or perſons as he or they, or the ſaid truſtees, or any five or more of them, ſhall appoint, from time to time to remove and prevent any annoyances on any part of the ſaid highways or roads, hereby intended to be repaired, by filth, dung, aſhes, rubbiſh, watercourſes, ſinks, or drains running into the ſaid highway or road, and to cleanſe any ditch or watercourſe adjoining to the ſaid road, or to lop or top any trees or buſhes growing on the ſaid highways, or in hedges or banks adjacent to the ſaid highways, and to take and carry away the ſame, if the owner or occupier neglects to lop ſuch trees, furze, or buſhes, or to remove ſuch other annoyances for the ſpace of ten days after notice in writing given for that purpoſe under the hands of five or more of the ſaid truſtees, the charge whereof ſhall be reimburſed to the ſaid overſeer or overſeers by ſuch owners or occupiers neglecting to lop the ſaid trees or buſhes, or to remove ſuch other annoyances as aforeſaid, to be levied by warrant under the hands and ſeals of five or more truſtees, or any juſtice of the peace for the county where ſuch offence ſhall be committed; and if after removal of any ſuch annoyances any perſon or perſons ſhall again offend in like manner, every ſuch perſon or perſons ſo offending, and being thereof convicted upon oath before any five or more truſtees, or before one or more juſtice or juſtices of the peace for the county where ſuch offence ſhall be committed, ſhall for every ſuch offence forfeit and pay unto the treaſurer or receiver for the time being for the purpoſe of ſaid road the ſum of ten ſhillings, to be levied in manner aforeſaid, over and above all charges in removing ſuch annoyances.

Annoyances removed after 10 days notice and charge levied on owner,

for 2d offence forfeit alſo 10s.

XV. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid overſeer or overſeers by order of the ſaid truſtees, or any five or more of them, to make or cauſe to be made cauſeways, and to cut and make drains through any grounds lying contiguous to the ſaid road, and to erect arches of brick, timber, or ſtone thereupon; and alſo to widen any of the narrow parts of the ſaid highway or roads to the breadth of forty two feet in the clear by opening, clearing, and laying into the ſaid highways or roads any grounds of any perſon or perſons lying contiguous to ſuch highways or roads; and alſo to cauſe ditches or trenches to be made in ſuch manner as ſuch overſeer or overſeers by order of the ſaid truſtees, or any five or more of them, ſhall adjudge neceſſary for the better amending and keeping the ſaid highways or roads in good repair; and the ſaid truſtees or any five or more of them are hereby

Cauſeways, drains, and arches made in ground contiguous,

the road widened to 42 feet clear,

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impowered to treat with landholders,

on refuſal or diſability valued by a jury.

on three days notice after iſſuing warrant to ſheriff, and not within 20 days of the iſſuing,

verdict concluſive,

owner not ſcouring watercourſes, &c.

hereby further authorized to treat and agree with the owner or occupier of ſuch ground, which ſhall be ſo laid in or unto the ſaid highways or roads, or through which any ſuch drain or drains ſhall be cut, or on which any ſuch arch or arches ſhall be made, for ſuch recompence and ſatisfaction to be made for the ſame, as the ſaid truſtees or any five or more of them ſhall think fit and reaſonable; and in caſe any perſon or perſons ſhall neglect or refuſe to treat or agree as aforeſaid, or through any diſability by nonage, coverture, or ſpecial limitation in any ſettlement or ſettlements, or by reaſon of any other impediment cannot, or otherwiſe ſhall refuſe to, diſpoſe of their reſpective intereſt in ſuch land, ſo to be laid into the ſaid highways or roads, and through which the ſaid new drain or drains, ditch or ditches, ſhall be cut or made, or on which ſuch arch or arches ſhall be erected, or ſuch cauſeways made, in ſuch manner as the ſaid truſtees, or any five or more of them, ſhall think convenient for the purpoſe aforeſaid, in every ſuch caſe the ſaid truſtees, or any five or more of them, are hereby authorized and impowered to iſſue forth their warrant or warrants to the ſheriff of the county, wherein ſuch ground doth lye, to impannell and return before the ſaid truſtees or any five or more of them, at ſuch times and place within the ſaid county as ſhall be appointed by ſuch warrant or warrants, provided ſuch time is not leſs than twenty days from the iſſuing ſuch warrants, and that notice thereof be given to the owner or tenants of the ſaid lands, or the perſon in poſſeſſion of the ſame, within three days after the iſſuing the ſaid warrants, a ſufficient jury, who upon their oaths, which ſaid oaths the ſaid truſtees or any five or more of them are hereby required and impowered to adminiſter, ſhall inquire into the true and real value of the ſaid ground ſo to be laid into the ſaid highway or road, and through which any new drain or drains, ditch or ditches, ſhall be cut or made, or on which ſuch arch or arches ſhall be erected, or ſuch cauſeways made; and ſuch verdicts and inquiſitions, as ſhall be found and returned by the ſaid jury aſcertaining the value of ſuch ground, upon ſuch value being paid to the owner of the ſaid lands, or, in caſe of refuſing to accept of the ſame, to ſuch perſon or perſons as the ſaid truſtees, or any five of them, ſhall appoint for the uſe of the owner or occupier of ſuch lands, ſhall be final and concluſive as well to the ſaid truſtees, as to the ſeveral and reſpective owners and occupiers of ſuch ground, and to all perſons claiming any eſtate, right, or intereſt in the ſame, notwithſtanding ſuch unwillingneſs, diſability, and incapacity whatſoever in the owners or perſons intereſted in the ſaid grounds; and if any owner occupier of any watercourſes, ditch or ditches, ad-

joining to the ſaid highways or roads, ſhall neglect or refuſe to ſcour or cleanſe ſuch watercourſes, or to make ſuch ditch or ditches ſo deep, or in ſuch manner, as the overſeer or overſeers ſhall judge proper and convenient, after ten days notice ſhall be given for that purpoſe by ſuch overſeer or overſeers, appointed by five or more truſtees, to ſuch owner or occupier, it ſhall and may be lawful to and for ſuch overſeer or overſeers to ſet any man or men to ſcour, and cleanſe, and make the ſame, and by warrant from any five or more of the ſaid truſtees to levy the charge thereof upon the perſons, goods, or eſtate of the owner or owners, occupier or occupiers, of ſuch watercourſe, ditch, or ditches, except through turf bogs, by diſtreſſes and ſale of his her, or their goods and chattels, rendering the overplus, if any be, to the owner or occupier after all charges paid.

after 10 days notice, done and charge; levied by overſeer,

turf-bogs excepted.

XV. Provided always, and it is the intent and meaning of this act, that if any perſon or perſons ſhall ſtop or interrupt the running of the water in any of the bog drains in the ſaid road, the offender or offenders being thereof convicted by oath of one or more credible evidences before five or more truſtees, which oath they are hereby impowered to adminiſter, ſhall forfeit and pay for every ſuch offence any ſum not exceeding ten ſhillings, to be levied in the ſame manner as other penalties appointed by this act.

Stopping bog-drains, penalty not above 10s.

XVI. And foraſmuch as the money ſo to be collected by ſuch receipt of the ſaid tolls may not prove ſufficient for the amending and keeping in repair the ſaid road, and for the other purpoſes herein before mentioned: be it enacted by the authority aforeſaid, That the ſaid truſtees, or any ten or more of them ſhall, and may, and are hereby impowered, from time to time by writing under their reſpective hands and ſeals to aſſign over the ſaid tolls or duties hereby granted or any part thereof, the coſts and charges attending the ſame to be borne and paid out of ſuch tolls or duties, for any term or time during the continuance of this act, or to iſſue warrants or debentures, not exceeding fifty pounds each, as a ſecurity for any ſum or ſums of money to be by them borrowed, to ſuch perſon or perſons, or to his, her, or their truſtee or truſtees, who ſhall advance or lend the ſame, for the payment thereof, with lawful intereſt or leſs, if the ſame can be ſo had; which ſaid money ſo borrowed ſhall be applied and diſpoſed of, as the tolls or duties are by this act to be applied and diſpoſed of as aforeſaid.

10 truſtees may aſſign toll for any term during this act; or iſſue debentures not above 50l. each, as ſecurity for loan.

XVII. And the true intent and meaning of this act is, that every toll payable, and for which a ticket or tickets ſhall be delivered at any gate acroſs ſaid road, ſhall on producing ſaid ticket or tickets excuſe the payment of toll on the ſame day in paſſing

Tickets at croſs gate excuſe payment at ſide gate, not *e con:*

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through any ſide bar or gate of ſaid road; but the tolls payable at the ſide bars or gates ſhall not excuſe the payment at any of the croſs gates.

Forcing thro' or giving or receiving ticket to avoid toll, penalty 10s. each.

XVIII. And for preventing frauds and abuſes with reſpect to the ſaid tolls or duties, be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall force his or their way through any of the ſaid gates without paying ſuch toll, as by this act he is bound to pay, or if any perſon or perſons, having paid the toll or duty by this act granted and made payable, and having ſuch ticket or tickets as hereby directed, ſhall give or diſpoſe of the ſame to any other perſon or perſons in order to avoid payment of the ſaid toll or duty, every ſuch perſon giving, diſpoſing, or offering, and the perſon receiving, ſuch ticket or tickets, and being thereof convicted upon oath before the ſaid truſtees, or any five or more of them, which oath the ſaid truſtees or any five or more of them are hereby impowered to adminiſter, ſhall each of them reſpectively forfeit and pay the ſum of ten ſhillings; to be levied, recovered, and diſpoſed, as any other penalty or forfeiture is directed to be levied, recovered, and diſpoſed of by this act.

Compoſition for toll,

XIX. And be it further enacted by the authority aforeſaid, That the ſaid truſtees, or any five or more of them, may and are hereby impowered from time to time, as they ſhall ſee convenient or think fit, to compound or agree by the year or otherwiſe with any perſon or perſons uſing to travel through the turnpike or turnpikes erected or to be erected with any milch cows, horſes, mares, geldings, aſſes, or mules, or with any coach, berlin, calaſh, chaiſe, chair, waggon, cart, carr, or other carriage, for any ſum or ſums of money, to be paid quarterly from time to time after ſuch agreement ſhall be made.

paid quarterly.

Not with perſons above 1 mile from the gate.

XX. Provided ſaid compoſition doth not extend to any perſon or perſons, whoſe reſidence from ſaid gate or gates, now or hereafter to be erected as aforeſaid, ſhall exceed the diſtance of one mile Iriſh plantation meaſure.

Exempted from toll.

XXI. Provided alſo, and it is hereby declared, That no perſon ſhall be charged with any of the tolls or duties aforeſaid, who ſhall paſs through any of the turnpikes to be erected by this act, who ſhall carry any quantity of ſtones, gravel, or other materials for the repairing of ſaid roads; nor ſhall any perſon or perſons be chargeable with ſaid toll or duty, for any carts, car, or waggons loaded with corn in the ſtraw, carrying of lime or lime ſtone, marl, or other manure, culm, coal, or turf for the burning of the lime, or any implements or utenſils for repairing the ſaid road; nor ſhall any toll or duty be demanded or taken at any of the turnpikes to be erected as aforeſaid for any poſt horſe carrying

carrying the mail or packet: nor for any horſe or horſes of ſoldiers upon their march; or for any waggons, carts, cars, or other carriages that are attending them; or for any horſes, waggons, carts, cars, or other carriages travelling with vagrants ſent by paſſes, or with priſoners tranſmitted from one part of the kingdom to another.

Continuance 41 years from 1 June 1766.

XXII. And be it further enacted by the authority aforeſaid, That the tolls and duties hereby granted, and this preſent act, ſhall take place from and after the firſt day of June one thouſand ſeven hundred and ſixty ſix, and have continuance thenceforth for and during the term of forty one years; and that the firſt board ſhall be held in purſuance of this act on the fourth day of the ſaid month of June.

But toll to ceaſe on adjudication by truſtees and repayment of loans.

XXIII. Provided nevertheleſs, That if at any time before the expiration of the ſaid term of forty one years all parts of the ſaid road ſhall be ſufficiently amended and repaired, and ſhall be ſo adjudged by the majority of the truſtees, appointed or hereafter to be choſen by virtue of this act, by an adjudication under their hands and ſeals, that then and from and after ſuch adjudication made, and repayment of ſuch money as ſhall have been advanced and borrowed, with intereſt for the ſame, and the coſts and charges thereof, the tolls and duties ſhall ceaſe and determine, any thing herein contained to the contrary notwithſtanding.

On vacancy, &c. new truſtees elected worth 4000l. or 200l. a year in Armagh or Lowth.

XXIV. And be it further enacted by the authority aforeſaid, That for the continuing a ſufficient number of fit and able perſons to be truſtees for putting in execution all and every the powers in this act contained for and during the continuance thereof it ſhall and may be lawful to and for the ſaid truſtees, or any five or more of them, (upon the death of any one or more of the ſaid truſtees, or of his or their removal, or refuſing to act in the ſaid truſt) by any writing or writings under their hands and ſeals from time to time, and at all times hereafter during the time aforeſaid, to elect, nominate, and appoint in the room of ſuch truſtee or truſtees ſo deceaſed, removed, or refuſing to act, other fit and able perſon or perſons; ſo as ſuch perſon or perſons to be choſen and elected be worth in perſonal fortune the clear ſum of four thouſand pounds, or ſhall have lands, tenements, and hereditaments of the clear yearly value of two hundred pounds in the ſaid counties of Armagh or Lowth.

To meet once a year, or as often as appointed.

XXV. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid truſtees or any five or more of them, and the ſaid truſtees or any five or more of them are hereby required, to meet once in every year, or as often in every year, and at ſuch place or places upon or con-

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tiguous to the ſaid road, as the ſaid truſtees or any five or more of them ſhall appoint.

15 days notice poſted on gates, and the buſineſs, truſtees defray their charges.

XXVI. Provided always, That fifteen days previous notice in writing be poſted upon ſaid gate or gates of ſuch intended meeting; in which notice the buſineſs to be taken into conſideration is to be ſpecified; and the ſaid truſtees at their firſt meeting and all other ſubſequent meetings ſhall defray their own charges and expences.

23 G. 2. 16. in force and obſerved, ſave as hereby altered.

XXVII. And be it further enacted by the authority aforeſaid, That an act made in the twenty third year of the reign of his late Majeſty King George the ſecond, intituled, *An act for the more effectual amending and keeping in repair the ſeveral turnpike roads in this kingdom, and for the better ſecuring the creditors of the ſaid road*, and all and every the powers, authorities, articles, rules, penalties, and clauſes, except what are hereby altered, ſhall be of full force and effect, and ſhall continue and be executed and obſerved by the ſaid truſtees herein before named, and their ſucceſſors, for and during the continuance of this preſent act.

No place of profit to truſtee.

XXVIII. Provided always, and be it further enacted by the authority aforeſaid, That no perſon or perſons, appointed by this act a truſtee or truſtees for putting this act in execution, ſhall have or accept of any place of profit out of the tolls or duties hereby granted.

Suits laid in Armagh or Lowth,

XXIX. And be it further enacted by the authority aforeſaid, That if any ſuit ſhall be commenced againſt any perſon or perſons for any thing done in purſuance of this act, in every ſuch caſe the action ſhall be laid in the ſaid county of Armagh or county of Lowth, and not elſewhere; and the defendant or defendants

general iſſue pleaded, &c.

in ſuch action or actions to be brought may plead the general iſſue, and give this act and the ſpecial matter in evidence at any tryal to be had thereupon, and that the ſame was done in purſuance and by the authority of this act; and if it ſhall appear ſo

treble coſts on nonſuit, &c.

to be done, or that ſuch action or actions ſhall be brought in any other county, that then the jury ſhall find for the defendant or defendants; and upon ſuch verdict, or if the plaintiff ſhall be nonſuited or diſcontinue his action, after the defendant or defendants ſhall have appeared, or if upon any demurrer judgment ſhall be given againſt the plaintiff, the defendant or defendants ſhall and may recover treble coſts, and have the like remedy for the ſame, as any defendant or defendants hath or have in any other caſe by law.

XXX. And it further enacted by the authority aforeſaid, That this act ſhall be deemed, adjudged, and taken to be, a publick act, and ſhall be judicially taken notice of as ſuch by all judges, juſtices, and other perſons whatſoever without ſpecially pleading the ſame. A. D. 1765. A publick act.

CHAP. XXVIII.

An Act for ſhortening, widening, and repairing the Turpike Roads leading from the City of Dublin to the Town of Kildare; and to explain, amend, and make more effectual an Act made in the twentieth Year of his late Majeſty's Reign, intituled, *An Act for making more effectual an Act paſſed in the ſeventh Year of his late Majeſty*, intituled, *An Act for making more effectual an Act paſſed in the fifth Year of the Reign of his late Majeſty King George the Second*, intituled, *An Act for repairing the Road leading from the Town of Naas in the County of Kildare to the Town of Maryborough in the Queen's County.*

WHEREAS by an act paſſed in the fifth year of the reign of his late Majeſty King George the ſecond, intituled, *An act for repairing the road leading from the town of Naas in the county of Kildare to the town of Maryborough in the Queen's county*, ſeveral tolls and duties were granted and made payable for repairing the ſaid road; which ſaid act was to commence from the tenth day of March in the year one thouſand ſeven hundred and thirty one, and from thence to continue in force for the term of twenty one years: and whereas by an act, paſſed in the ſeventh year of the reign of his late Majeſty King George the ſecond for making more effectual the ſaid herein before recited act, all and every the powers, authorities, articles, rules, penalties, and clauſes, therein contained, except what are thereby altered, ſhould be of full force and effect, and ſhould continue and be executed from and after the expiration of the ſaid term of twenty one years for and during the further term of twenty two years, and from thence to the end of the then next ſeſſion of Parliament: and whereas the truſtees, appointed to put the ſaid act in execution, having borrowed the ſum of ſeven thouſand pounds on the credit thereof, and having applied the ſame together with the tolls, collected by virtue of the ſaid laſt recited act, in amending the ſaid road, but the ſame proving inſufficient either to pay the ſaid principal ſum of ſeven thouſand pounds ſo borrowed, or the intereſt thereof, or to repair and amend the ſaid road leading from the ſaid town of Naas to the ſaid town of Maryborough, by reaſon of the depth and nature of 3 G. 2. 21. 7 G. 2. 17.

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the ſoil, and the great ſcarcity of materials to repair and amend the ſame, and the length and extent of the ſaid road, from the ſaid town of Naas to the ſaid town of Maryborough, could not be repaired and ſufficiently amended by the tolls and duties made payable by the ſaid act without augmenting the ſame: and whereas by an act paſſed in the twentieth year of the 19 G. 2. 20. reign of his ſaid late Majeſty King George the ſecond, to explain, amend, and make more effectual the ſaid herein laſt before recited act, and all and every the authorities, powers, articles, rules, penalties, and clauſes therein contained, except what are thereby altered, ſhould be of full force and effect, and ſhould continue and be executed, from and after the expiration of twenty two years for and during the further term of forty one years, and from thence to the end of the then next ſeſſion of Parliament, for the intents and purpoſes in the ſaid acts and herein after mentioned; and it was thereby further enacted, that the road leading from the ſaid town of Naas to the meeting of the three roads weſtward to the town of Kildare ſhould be erected into a ſeparate and diſtinct turnpike, and that the tolls might be collected and received on that part of the ſaid road ſeparate and diſtinct from the toll to be collected or received on the other part of the ſaid road, which leads from the ſaid meeting of the ſaid three roads to the ſaid town of Maryborough, and that from the meeting of the ſaid three roads to the ſaid town of Maryborough and to the town of Ballyroan in the Queen's county aforeſaid might be erected into another ſeparate and diſtinct turnpike, ſo as that a toll might be collected and received on that part of the ſaid road, ſeparate and diſtinct from the toll collected or received on the other part of the ſaid road, which leads from the ſaid town of Naas to the ſaid meeting of the ſaid three roads: and whereas the truſtees, appointed to put the ſaid ſeveral acts in execution, have borrowed the ſum of ten thouſand pounds on the credit thereof, which is ſtill unpaid, and have applied the ſame together with the tolls collected by virtue of the ſaid laſt recited acts in ſhortening, repairing, and amending the ſaid road, yet the ſame cannot be effectually amended and ſo kept in order, nor the ſaid ſum of ten thouſand pounds, or any other ſum that ſhall be hereafter borrowed for the uſe of the ſaid road, repaid, without ſome other proviſion be made for that purpoſe: and whereas the tolls collected by the ſaid act have proved inſufficient either to pay the ſaid principal ſum of ten thouſand pounds ſo borrowed, or the intereſt thereof, or to repair and amend the ſaid road leading from the ſaid town

of

of Naas to the ſaid towns of Maryborough and Ballyroan: and whereas a great part of the ſaid road, leading from the ſaid town of Naas to the ſaid towns of Maryborough and Ballyroan, which leads from the ſaid town of Naas to the town of Kildare, by reaſon of the depth and nature of the ſoil, and the great ſcarcity of gravel, and the windings and turnings of the ſaid road as it now runs, whereby the ſaid road is lengthened near two miles, to what it would be, if ſtruck in a ſtraight line from the ſaid town of Naas to the ſaid town of Kildare, cannot be repaired, and ſufficiently amended, and kept in repair by the tolls and duties made payable by the ſaid laſt recited act, the conſtant annual expence of repairing each and every perch of the ſaid road as it now runs one perch with another amounting to upwards of two ſhillings and ſix pence, and which would after having the ſaid road finiſhed and made according to the ſtraight line lately ſtruck out from the ſaid town of Naas to the ſaid town of Kildare, be kept in conſtant repair for the ſum of ſix pence *per* perch yearly, the gravel and materials for making and keeping in repair the ſaid road according to the ſaid new line ſo ſtruck out, being for the moſt part contiguous and very convenient thereto, and that therefore it is abſolutely neceſſary in order to ſhorten the ſaid road, leading from the ſaid town of Naas to the ſaid town of Kildare, according to the ſaid new line lately ſtruck out for the ſame and to keep the ſame and the remainder of the ſaid road, leading from thence to the ſaid towns of Maryborough and Ballyroan, in good and ſufficient order and repair, to make the ſeveral proviſions herein after mentioned for the more effectually amending and repairing the ſaid road, and keeping the ſame in good order and repair, and for ſecuring the debts now due, or which ſhall hereafter become due to the creditors of the ſaid road: be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of June one thouſand ſeven hundred and ſixty ſix the ſeveral truſtees named and appointed in and under the ſaid former acts, and the truſtees herein after named and appointed, or any ſeven or more of them, or ſuch perſon or perſons as ſhall be by them or any ſeven or more of them reſpectively authorized or appointed, ſhall and may from the time aforeſaid for and during the continuance of the ſaid former acts and this preſent act demand, take, and receive reſpectively in lieu of the tolls and duties to be collected by virtue of the ſaid laſt recited act the

Truſtees in ſaid acts and herein named, or any 7, in lieu of the tolls by 19 G. 2. 20. ſhall take the toll following.

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reſpective tolls and duties following, and the ſaid ſeveral and reſpective perſons be thereby reſpectively impowered to levy the ſaid tolls by this act charged and appointed to be collected and received, (that is to ſay) the ſaid truſtees named by and under the ſaid former acts, and the truſtees hereby named for making and repairing the ſaid roads, or any ſeven or more of them, or ſuch perſon or perſons as ſhall be by them or any ſeven or more of them authorized and appointed, ſhall receive the tolls and duties following, before any horſe, mare, gelding, aſs, or mule, cattle, coach, berlin, chariot, calaſh, chaiſe, chair, waggon, wain, cart, car, or other carriage ſhall be permitted to paſs through the ſame, (that is to ſay) for every coach, berlin, chariot, calaſh, chaiſe, or chair, drawn by ſix horſes, geldings, mares, or mules, two ſhillings; and for every coach, berlin, chariot, calaſh, chaiſe, or chair, drawn by four horſes, mares, or mules, one ſhilling and ſix pence; and for every coach, berlin, chariot, calaſh, chaiſe, or chair drawn by two horſes, geldings, mares, mules, or aſſes, nine pence; for every waggon, wain, cart, or carriage, with four wheels, five ſhillings; for every waggon, wain, cart, or carriage with two wheels, drawn by three or more horſes, geldings, mares, mules, aſſes, or beaſts of draft, three ſhillings; for every waggon, wain, cart, or carriage with two wheels, drawn by two horſes, geldings, mares, mules, aſſes, or beaſts of draft, ſix pence; for every carriage, commonly called a chair or chaiſe, drawn by one horſe, gelding, mare, or mule, four pence; for every cart, car, or other carriage, having but one horſe, gelding, mare, mule, aſs, or beaſt of burthen, drawing laden or unladen, three halfpence; for every horſe, mare, gelding, mule, or aſs, with any perſon riding thereon, the ſum of two pence; for every horſe, mare, gelding, aſs, or mule, laden or unladen, and not drawing, or having any perſon riding thereon, the ſum of three halfpence; for every drove of oxen, cows, or neat cattle, two ſhillings and ſix pence by the ſcore, and ſo in proportion for any greater or leſſer number; for every drove of calves, hogs, ſheep, goats, or lambs, one ſhilling and three pence by the ſcore, and ſo in proportion for any greater or leſſer number; and for every carriage, wherein ſhall be carried or borne any millſtone, two ſhillings and ſix pence; and that the truſtees, herein after in this preſent act and by the ſaid herein before recited acts named and appointed for making and repairing the ſaid road, or any ſeven or more of them, or ſuch perſon or perſons as ſhall be by them or any ſeven or more of them authorized and appointed, ſhall re-

a coach, &c. and 6 horſes, 2s.

by 4, 1s. 6d.

by 2, 9d.

waggons 5s. 2 wheeled and 3 horſes 3s. 2 horſes 6d.

1 horſe chair, 4d.

cars, &c. 1½d.

horſe and rider 2d. not drawing, nor ridden, 1½d.

oxen 2s. 6d. *per* ſcore; calves, &c. 1s. 3d.

millſtone 2s. 6d.

ceive the ſame tolls and duties herein before particulary appointed and directed to be paid to the truſtees named and appointed in this preſent act as aforeſaid, for making and repairing the ſaid road leading from the ſaid town of Naas in a ſtraight line, as the ſame hath been lately ſtruck out, to the ſaid town of Kildare, and from thence to the ſaid towns of Maryborough and Ballyroan, or any ſeven or more of them, or ſuch perſon or perſons as ſhall be by them, or any ſeven or more of them, authorized or appointed, before any horſe, mare, gelding, aſs, mule, cattle, coach, berlin, chariot, calaſh, chaiſe, chair, waggon, wain, cart, car, or other carriage, ſhall be permitted to paſs through the ſame; which ſaid reſpective ſum and ſums of money ſhall be demanded and taken reſpectively in the name of or as a reſpective toll or tolls; and the money to be thereby raiſed and collected is and ſhall be reſpectively veſted in the ſaid truſtees; and the ſame and every part thereof ſhall be applied and diſpoſed of to and for the ſeveral uſes, intents, and purpoſes, and in ſuch manner, as by the ſaid former acts and this preſent act are particularly mentioned and declared, (that is to ſay) ſubject and liable to the payment of the ſaid ſum of ten thouſand pounds, and the intereſt due and growing due for the ſame, and for ſuch other ſum or ſums of money, not exceeding the ſum of two thouſand five hundred pounds, as hereafter ſhall or may be borrowed for the uſe of the ſaid road and towards repairing the ſame; and ſuch ſum or ſums, as ſhall be collected and raiſed at the turnpikes erected and to be erected as aforeſaid, ſhall be veſted in the truſtees for the ſame, ſubject and liable to the payment of the ſaid ſum of ten thouſand pounds and intereſt due and growing due for the ſame, for ſuch further ſum and ſums of money, not exceeding the ſum of two thouſand five hundred pounds, and the intereſt thereof at the rate of five pounds *per centum per annum*, as ſhall hereafter be raiſed and borrowed for the uſe of and for and towards repairing the ſame; and that the ſaid reſpective tolls and every part thereof ſhall be applied and diſpoſed of to and for the ſeveral reſpective uſes, intents, and purpoſes, and in ſuch manner, as by the ſaid former acts and herein is mentioned and declared; and that the ſaid truſtees, or any ſeven or more of them, are hereby reſpectively impowered by themſelves, or by any perſon or perſons by them thereunto reſpectively authorized as aforeſaid, to levy the ſaid tolls by this act charged and appointed to be collected and received.

veſted in ſaid truſtees,

applied as by this and ſaid acts,

ſubject to 10000l. and intereſt, and ſums to be borrowed not exceeding 2500l.

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To commence 1st June, 19 G. 2. 20. (ſave as altered) continued after 41 years, thereby granted, during further 41 years, &c. for purpoſes of ſaid acts and of this.

II. And be it further enacted by the authority aforeſaid, That the tolls and duties hereby granted ſhall take place from and after the firſt day of June next; and that the ſaid act, made in the twentieth year of the reign of his late Majeſty King George the ſecond, and all and every the powers, articles, rules, penalties, and clauſes therein contained (except what are hereby altered) ſhall be of full force and effect, and ſhall continue and be executed from and after the expiration of the ſaid term of forty one years, granted by the ſaid laſt recited act, for and during the further term of forty one, and from thence to the end of the then next ſeſſion of Parliament, for the intents and purpoſes in the ſaid acts and herein after mentioned, as if the powers and authorities given by the ſaid acts were herein again repeated and re-enacted in the body of this preſent act, any thing herein contained to the contrary thereof in any wiſe notwithſtanding.

Truſtees named, with thoſe now ſubſiſting,

III. And be it further enacted by the authority aforeſaid, That the perſons herein after named, and none other, ſhall be the truſtees for putting the ſaid former acts and this preſent act in execution (that is to ſay) the lord archbiſhop of Dublin, marquiſs of Kildare, earl of Mt. Rath, earl of Drogheda, earl of Beſborough, lord Doneraile, lord Mornington, lord Knapton, biſhop of Kildare, lord viſcount Jocelyn, biſhop of Fernes, lord biſhop of Oſſory, the right honourable John Ponſonby ſpeaker of the houſe of commons, the right honourable Thomas Conolly, Thomas Knox eſquire, Charles O'Hara eſquire, William Henry Forteſcue eſquire, ſir Kildare Dixon Burrowes, Maurice Keating eſquire, William Henry Dawſon eſquire, William Pole eſquire, John Dawſon eſquire, John Parnell eſquire, Warner Weſtenra eſquire, Hunt Walſh eſquire, John Parnell the younger eſquire, Dudley Coſby eſquire, colonel Richard Fitzgerald eſquire, Sewell Stubber eſquire, John Barrington eſquire, John Sent Leger eſquire, Mervyn Archdale eſquire, Ephraim Stannus eſquire, James Stannus eſquire, Anderſon Sanderſon eſquire, Valentine Knightly Chetwood eſquire, Henry Weſtenra eſquire, William Deſpard eſquire, Henry Carter eſquire, John Burke eſquire, John Digby eſquire, John Rochford the elder eſquire, John Digby the younger eſquire, Thomas Teniſon eſquire, Stephen Caſſan eſquire, Arthur Burdett eſquire, Lewis Moore eſquire, captain Lewis Moore, Walter Weldon eſquire, Denny Baker Cuffe eſquire, John Preſton eſquire, Thomas Eyre eſquire, Godfrey Wills eſquire, Anthony Sharp eſquire, Robert Flood eſquire, Luke Flood eſquire, Richard Vickers eſquire, Thomas Drought eſquire, John Lyon eſquire, Edward Brereton eſquire, William Finn eſquire, John Bambrick eſquire, Robert

bert Hartpole eſquire, Stephen Fitzgerald of Morett eſquire, Stephen Fitzgerald of Ballythomas eſquire, John Murray Prior eſquire, George Deſpard eſquire, Lancelot Sandes eſquire, Wentworth Thewles eſquire, James Dexter eſquire, Alexander Carrol eſquire, George Carr eſquire, Maurice Carr eſquire, Edward Noy eſquire, Richard Wilſon eſquire, Samuel Spencer eſquire, James Spencer eſquire, William Handcock eſquire, Richard Sherlock eſquire, George Evans eſquire, David Latouche the younger eſquire, William Atkinſon eſquire, Joſeph Handcock eſquire, Benjamin Stratford eſquire, Thomas Fitzgerald eſquire, Chriſtopher Comyn Gardiner eſquire, reverend dean Coote, reverend doctor George Flood, reverend Frederick Trench, reverend Thomas Jenkin clerk, Charles White gentleman, John Pilkington gentleman, George White gentleman, Samuel White gentleman, Robert Palmer gentleman, William Drought, gentleman, Lamly Higgins gentleman, Henry Knight gentleman, Thomas Kelly gentleman, Archibald Adair gentleman, Samuel Strangman gentleman, William Fitzgerald gentleman, Thomas Moſſe gentleman, Arthur Moſſe gentleman, William Brereton gentleman, Joſeph Calcut gentleman, Martin Delany gentleman, Robert Leſter gentleman, Mark Halfpen gentleman, the burgomaſter of Maryborough for the time being, the ſovereign of Kildare for the time being, Luke Dempſey gentleman, William Hetherington gentleman, Henry White gentleman, Gilbert White gentleman, William Adair gentleman, Hawkins Ireland gentleman, Alexander Fitzgerald of Straboe gentleman, Stephen Fitzgerald of Ballydavis gentleman, Edward Flood gentleman, the reverend Anthony French, Richard Evans gentleman, Thomas Fitzgerald gentleman, Theobald Medlicot gentleman, Edward Medlicot gentleman, Jonathan Clark gentleman, Michael Lewis gentleman, Thomas Strangman gentleman, Samuel Strangman junior gentleman, Edward Noy eſquire, Richard Nelſon eſquire, John Thewls eſquire, William Dexter eſquire, Euſeby Stratford eſquire, together with ſuch other truſtees as are now ſubſiſting by virtue of the ſaid laſt act; and that the ſaid ſeveral truſtees herein before named ſhall be veſted with all the powers and authorities, in the ſaid former acts and this preſent act given and enacted, to all intents and purpoſes, with powers to erect turnpikes, and to receive ſeparate and diſtinct tolls, and to elect, nominate, appoint, and remove receivers, collectors, overſeers, and other officers purſuant to the power granted in and by the ſaid former acts.

like powers.

On death or refuſal 7 may elect others in Queen's County or Kildare, or creditors by mortgage or debenture.

IV. And be it enacted by the authority aforeſaid, That in caſe any of the ſaid truſtees named and appointed as aforeſaid, who by virtue of the preſent act ſhall be truſtees, ſhall happen to die or refuſe to act, that then it ſhall and may be lawful to and for any ſeven or more of the ſaid truſtees during the continuance of the ſaid former acts and this preſent act to elect and appoint in the room of ſuch perſon or perſons, ſo deceaſed or refuſing to act, ſo many more fit and able perſons, who ſhall be inhabitants of the counties of Kildare or Queen's county, or creditors on the ſaid road by mortgage or debenture, and no other, to be joined with them reſpectively in the execution of the ſaid former acts and this preſent act; and that all and every perſon or perſons, ſo reſpectively elected and appointed, ſhall and may be hereby reſpectively impowered to act to all intents and purpoſes, as the ſaid truſtees by the ſaid former act or this preſent act are impowered to do, and ſo from time to time as often as there ſhall be occaſion reſpectively.

No gate nearer weſt of Kildare than the Three roads, or one mile eaſt.

V. Provided always, That no gate or turnpike ſhall be erected by virtue of this or any former act at any place nearer the weſt ſide of the town of Kildare than the place called the Three roads, or nearer than one mile to the eaſt ſide of the ſaid town of Kildare.

Nor nearer Naas than Bigginſtown.

VI. And provided alſo, That no gate or turnpike ſhall be erected by virtue of this or any former act at any place nearer to the town of Naas than the town of Bigginſtown, where the turnpike is now erected.

15 at board to iſſue orders to pay intereſt.

VII. And be it alſo enacted by the authority aforeſaid, That it ſhall and may be lawful for the ſaid truſtees or any fifteen or more of them at any meeting or board, and not otherwiſe, from time to time during the continuance of the ſaid former acts and this preſent act to make out warrants or orders in writing under their hands, directed to the treaſurer or receiver of the ſaid tolls, thereby requiring him to pay thereout to the perſon or perſons named in ſuch warrant or order, his or their executors, adminiſtrators, or aſſigns, the growing intereſt of the ſum of money mentioned in ſuch warrant or order, as the ſame ſhall from time to time become due, until ſuch time as the principal ſum mentioned in ſuch warrant or order ſhall be paid off and diſcharged at one entire payment.

None above 50l.

VIII. Provided that no warrant or order, to be iſſued to the ſaid treaſurer or receiver by virtue of this act, ſhall be for any greater ſum than the principal ſum of fifty pounds.

Orders transferable by indorſement,

IX. And be it alſo enacted by the authority aforeſaid, That all and every perſon or perſons, to whom ſuch warrants or orders ſhall be given or aſſigned, his or their executors or adminiſtrators,

niſtrators, may by indorſement of ſuch warrants or orders, or receipts, transfer the right and benefit of the ſum mentioned in ſuch warrants or orders; which indorſement upon notice to the treaſurer or receiver of the ſaid tolls, and an entry or memorial thereof made in a book or books to be kept for that purpoſe, which the ſaid treaſurer or receiver ſhall upon requeſt without charge, fee, or reward make accordingly, and ſhall upon the requeſt of any perſon or perſons permit the ſame to be viewed at reaſonable hours without fee or reward, ſhall intitle the indorſee or aſſignee, his or her executors, adminiſtrators, or aſſigns, to the ſole benefit of the ſum ſo transferred or aſſigned; and the ſaid warrant or order may in like manner be transferred and aſſigned by ſuch aſſignee, his or her executors or adminiſtrators, and ſo from time to time; and that after ſuch aſſignment it ſhall not be in the power of ſuch perſon or perſons, who made ſuch aſſignment or indorſement to make void, releaſe, and diſcharge the ſaid aſſignment, or the ſum thereby transferred or aſſigned, or any part thereof.

on notice and entry,

not after in power of aſſignor.

X. And be it alſo enacted by the authority aforeſaid, That the reſpective treaſurer or receiver of the ſaid tolls ſhall arithmetically number all the warrants and orders, which ſhall be given or delivered out in purſuance of this act, as they ſhall be delivered, commencing with number one, and ſo continuing the numbers till the whole be arithmetically numbered.

Orders numbered.

XI. And be it alſo enacted by the authority aforeſaid, That the ſeveral and reſpective tolls and duties hereby made payable for the turnpikes, erected and to be erected as aforeſaid, in their ſeparate and diſtinct diviſions, ſhall be applied and paid to the diſcharge of the intereſt of the ſaid ſum of ten thouſand pounds, and of ſuch other and further ſum and ſums of money as ſhall be hereafter borrowed for the uſe of the ſaid road and towards repairing the ſame, not exceeding the ſaid ſum of two thouſand five hundred pounds; and that all the ſurplus of the ſaid tolls and duties hereby made payable, over and above what ſhall be ſufficient to diſcharge the ſaid intereſt and the ſeveral ſalaries payable purſuant to this and the ſaid former acts, and repair the ſaid road, and keep the ſame in good order and repair from time to time, ſhall be applied reſpectively as aforeſaid towards the diſcharge of the ſaid principal ſum of ten thouſand pounds as aforeſaid, and towards the diſcharge of ſuch further and other ſum as ſhall hereafter be borrowed as aforeſaid, in manner hereafter mentioned (that is to ſay) that when and as often as ſuch ſurplus received by the ſaid treaſurer or receiver ſhall amount to the ſum of one hundred pounds, then the ſaid treaſurer or receiver ſhall

Tolls in ſeparate diviſions applied to intereſt of ſums borrowed.

ſurplus to principal,

when 100l. by ballot.

cauſe the number of all the warrants or orders, which ſhall be reſpectively iſſued or delivered out in purſuance of this act, and the ſum therein contained to be written on ſeveral tickets or pieces of parchment, and to be rolled and ſealed up, and put into a box or urn, and well mixed together; and an indifferent perſon ſhall publickly between the hours of ten and twelve in the forenoon of a day to be by the treaſurer or receiver publickly advertiſed in the Dublin Gazette, or ſome other publick news paper, for that purpoſe at leaſt twenty days before, at the Tholſel of the city of Dublin draw out of ſuch box or urn as many of the ſaid tickets or pieces of parchment as the ſum therein contained ſhall amount to the ſaid ſum of one hundred pounds; and the perſon or perſons, the number of whoſe warrants or orders ſhall be ſo drawn, his or their executors, adminiſtrators, or aſſigns, ſhall, within twenty days after the ſaid warrants or orders ſhall be drawn, be paid by the ſaid treaſurer or receiver the principal ſum to him or them reſpectively due with intereſt for the ſame till paid, and ſhall upon payment thereof deliver up his and their ſeveral and reſpective warrants or orders to the ſaid treaſurer or receiver to be cancelled, which he is hereby required to cancel accordingly; and the intereſt, payable by virtue of ſuch warrants or orders, ſhall ceaſe from the expiration of twenty days, to be accounted from the day of drawing the ſaid tickets or pieces of parchment.

XII. And whereas the ſaid highway or road leading from the ſaid town of Naas to the ſaid town of Kildare may be conſiderably ſhortened and made much more convenient for travellers, if the ſame was carried in a ſtraight and direct line, where the ſame is now crooked, and the annual expence of repairing the ſame thereby greatly leſſened: wherefore, and that all juſt and reaſonable ſatisfaction may be given for the land made uſe of in carrying the ſaid road ſtraight as aforeſaid, be it alſo enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid truſtees, or any nine or more of them, to aſcertain, deſcribe, and ſet apart ſuch part and proportion of the land adjoining or contiguous to the ſaid highway or road, as they the ſaid truſtees, or any nine or more of them ſhall judge neceſſary for carrying the ſaid road from the ſaid town of Naas, beginning at or near the little bridge at the weſt end of the ſaid town of Naas, and from thence in a ſtraight and direct line to the ſaid town of Kildare, oppoſite or as near the market-houſe thereof as conveniently can be.

9 truſtees may carry ſtraight the road from Naas to Kildare.

XIII. Provided, That no part of ſaid lands ſo to be ſet apart be built on, and that the ſame be not part of any garden, orchard,

Buildings, gardens, &c. excepted.

chard, yard, planted walk or avenue to a houſe, or of a park or paddock for deer.

12 truſtees may treat with owners,

XIV. And be it alſo enacted, That the ſaid truſtees, or any twelve or more of them, are hereby impowered to treat and agree with the owners and others intereſted in the ſaid ground, to be made uſe of in carrying the ſaid road from the ſaid town of Naas to the ſaid town of Kildare in a ſtraight and direct line as aforeſaid, for ſuch recompence and ſatisfaction to be made for the ſame out of the tolls and duties ariſing by virtue of this act, as the ſaid truſtees, or any twelve or more of them, ſhall think fit and reaſonable: and in caſe any perſon or perſons ſhall neglect or refuſe to treat or agree as aforeſaid, or through any diſability by nonage, coverture, or ſpecial limitation in any ſettlement or ſettlements, or by reaſon of any other impediment cannot, or otherwiſe howſoever ſhall refuſe to, diſpoſe of their reſpective intereſts in ſuch land, as the ſaid truſtees, or any twelve or more of them, ſhall think convenient for making the ſaid road as aforeſaid, that in every ſuch caſe the ſaid truſtees, or any twelve or more of them, be authorized and impowered to iſſue forth their warrant or warrants to the ſheriff or ſheriffs of the ſaid county of Kildare, where ſuch ground doth lie, to impannel and return before the ſaid truſtees, or any twelve or more of them, at ſuch time and place within the ſaid county, as ſhall be appointed in ſuch warrant or warrants, a ſufficient jury, who upon their oaths, which ſaid oaths the ſaid truſtees or any twelve or more of them are hereby required and impowered to adminiſter, ſhall inquire into the true and real value of ſuch ground to be made uſe of for the ſaid highway or road; and that ſuch verdicts and inquiſitions, as ſhall be ſo found and returned by the ſaid jury, aſcertaining the value of ſuch ground, ſhall be final and concluſive as well to the ſaid truſtees, as to the ſeveral and reſpective owners and proprietors of ſuch ground, notwithſtanding any difficulty or incapacity whatſoever.

on neglect, or refuſal, or diſability, valued by jury,

verdict concluſive.

Charges firſt paid,

XV. And be it alſo enacted by the authority aforeſaid, That all ſuch coſts and charges, as have been or ſhall be laid out and expended in and about procuring and paſſing this preſent act of Parliament, and ſurveying the ſaid road, ſhall be firſt diſcharged and paid out of the money ariſing out of the toll or tolls to be collected by virtue of this preſent act, together with an intereſt of five pounds *per centum per annum* till the ſame is paid.

intereſt at 5 *per cent.*

15 may compound for toll.

XVI. And be it alſo enacted by the authority aforeſaid, That the ſaid truſtees, or any fifteen or more of them, ſhall and may and are hereby impowered from time to time, as they

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ſhall ſee convenient and think fit, to compound or agree by the year or otherwiſe with all and every or any of the inhabitants of the ſeveral towns of Kildare, Ballyroan, and Maryborough, or the hamlets thereunto belonging, in ſuch manner as by the ſaid former recited acts the ſaid truſtees, or any number of them, were authorized or impowered to do or compound.

They may demiſe not above 3 years,

XVII. And be it alſo enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid truſtees, or any eleven or more of them reſpectively, by any agreement or agreements, leaſe or leaſes, demiſe or demiſes in writing, to be reſpectively executed by the ſaid reſpective truſtees, or any eleven or more of them reſpectively, under their hands and ſeals to demiſe or leaſe, ſet, or let, all or any part of the ſaid reſpective tolls and turnpikes to ſuch perſon or perſons, as they ſhall reſpectively think fit, for ſuch time and term not exceeding three years, and for ſuch rents or yearly income, as they ſhall reſpectively think fit; and that all and every ſuch rent and yearly income ſhall be applied, as herein before and in the beforementioned acts is directed and appointed, in making and repairing the ſaid reſpective roads, and keeping the ſame in good repair from time to time, and in diſcharge of ſuch principal ſums of money and intereſt as are now due, and hereafter ſhall reſpectively become due, by virtue of the ſaid former acts and this preſent act; and alſo that it ſhall and may be lawful to and for all and every perſon or perſons, who ſhall take any leaſe or leaſes, demiſe or demiſes, of all or any part of the ſaid reſpective tolls and turnpikes, to take and receive to their own proper uſe and behoof the tolls and profits, which ſhall ariſe from ſuch reſpective turnpikes, as they ſhall reſpective ſo take, they paying the ſaid reſpective rents or yearly income to the ſaid reſpective truſtees according to their ſeveral agreements, any thing herein or in the ſaid former acts contained to the contrary notwithſtanding.

the rents applied to the roads, &c.

Toll to ceaſe on adjudication at ſeſſions that the road is repaired, and loans repaid.

XVIII. Provided always, and be it alſo further enacted by the authority aforeſaid, That if at any time before the expiration of the ſaid additional term of forty one years hereby granted the highway as aforeſaid ſhall be ſufficiently amended and repaired, and ſhall be ſo reſpectively adjudged by the juſtices of the peace for the county of Kildare and Queen's county, at their quarter ſeſſions to be holden reſpectively for the ſaid counties, that then from and after ſuch adjudication made and repayment made of all ſuch monies as have been or ſhall be borrowed upon the credit of the ſaid former acts or this preſent act, with the intereſt thereof, the tolls hereby reſpectively granted and made payable, and all the powers and authorities,

thorities, in the ſaid former acts and this preſent act contained, ſhall reſpectively ceaſe and determine, any thing in the ſaid former acts and this preſent act contained to the contrary notwithſtanding.

XIX. And be it alſo further enacted by the authority aforeſaid, That the ſaid truſtees, or any fifteen or more of them, ſhall and may meet at the Tholſel of the city of Dublin aforeſaid on the firſt day of June in the year of our Lord one thouſand ſeven hundred and ſixty ſix; and the ſaid truſtees ſhall and may then adjourn themſelves, and afterwards meet there, or at any other place or places for putting this act in execution, as by the ſaid former recited acts is directed and appointed.

To meet as by former acts.

XX. And whereas a great part of the turnpike road, leading from the city of Dublin to the ſaid town of Naas, by reaſon of the ſcarcity of gravel and the many windings and turnings of the ſaid road, as it now ſtands, and by reaſon of the ſeveral ſteep hills which are thereon, many parts of ſaid road are almoſt impaſſable for carriages, and which ſaid road by reaſon of the ſaid windings and turnings is lengthened upwards of two miles more, than it would be, if carried in a ſtraight line from the ſaid city of Dublin to the ſaid town of Naas; and whereas the ſhortening of the ſaid road by carrying the ſame ſtraight according to a line lately ſtruck thereof from the ſaid city of Dublin to the ſaid town of Naas will be much more convenient to travellers, and by that means the ſaid ſteep hills on the ſaid road, as it now runs, totally avoided, and the annual expence for repairing the ſame, greatly leſſened: be it therefore enacted by the authority aforeſaid, That from and after the firſt day of June next, and as ſoon after as a proper fund can be procured or obtained either by ſubſcription or otherwiſe for that purpoſe, that it ſhall and may be lawful for the ſeveral truſtees appointed by this act, or any nine or more of them, together with the truſtees nominated and appointed in an act of Parliament made the fourth year of the reign of his preſent Majeſty King George the third, *for ſhortening and repairing the ſaid turnpike road leading from the ſaid city of Dublin to the ſaid town of Naas and from thence to Kilcullen bridge*, or any nine or more of them jointly, of which laſt mentioned act the truſtees in this preſent act named are hereby nominated and appointed truſtees of the ſaid turnpike road leading from the ſaid city of Dublin to the ſaid town of Naas and Kilcullen bridge, for this particular purpoſe only, to aſcertain, deſcribe, and ſet apart ſuch parts and proportions of the land adjoining or contiguous to the ſaid highway or road, as they

9 truſtees with the truſtees in 3 *G.* 3. 32, may ſet apart lands contiguous to ſhorten the road from Dublin to Naas.

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they the ſaid truſtees named in this preſent act, and the ſaid truſtees named in the ſaid act for repairing the ſaid turnpike from the ſaid city of Dublin to the ſaid towns of Naas and Kilcullen bridge, or any nine of each of the ſaid truſtees jointly, ſhall judge neceſſary for carrying the ſaid road from the ſaid city of Dublin, beginning at the Poor Houſe, and from thence in a ſtraight line, ending to the eaſt of the ſaid town of Naas.

Gardens, &c. excepted.

XXI. Provided, That no part of ſaid lands ſo to be ſet apart be built on, and that the ſame be not part of any garden, orchard, yard, planted walk or avenue to a houſe, or part of a park or paddock for deer.

May treat with owners,

XXII. And that it be alſo enacted, That the ſaid truſtees, or any nine or more of them, jointly with the ſaid truſtees named in the ſaid act for repairing the ſaid road from the ſaid city of Dublin to the ſaid town of Naas and Kilcullen bridge, or any nine or more of them, are hereby impowered to treat and agree with the ſeveral owners and others intereſted in the ſaid ground to be made uſe of in carrying the ſaid road from the ſaid city of Dublin to the ſaid town of Naas in a ſtraight and direct line as aforeſaid, for ſuch recompence and ſatisfaction to be made for the ſame to be paid out of the fund, when the ſame is obtained or procured, for ſhortening the ſaid road in a ſtraight line as aforeſaid, veſting the ſaid truſtees with the ſame powers herein before mentioned to be veſted in the ſaid truſtees by this act, for removing any diſability or impediment from ſhortening the ſaid road from the ſaid city of Dublin to the ſaid town of Naas, and aſcertaining the value of the land or ground, on which the ſame is to run as aforeſaid; and alſo that it ſhall and may be lawful to and for the ſaid truſtees named in this act, and the ſaid truſtees named in the ſaid act ſo paſſed in the fourth year of his preſent Majeſty's reign, or any nine of each of them, to contract and agree with ſuch perſon or perſons, as they ſhall think fit, for the making and repairing, and keeping in repair, the ſaid road ſo leading from the ſaid city of Dublin to the ſaid town of Naas and Kilcullen bridge; any thing contained in the ſaid act ſo paſſed in the fourth year of the reign of his ſaid preſent Majeſty to the contrary notwithſtanding.

and contract for repairing, &c.

A publick act.

XXIII. And be it alſo enacted by the authority aforeſaid, That this preſent act ſhall be deemed, adjudged, and taken to be a publick act, and ſhall be judicially taken notice of as ſuch by all the judges, juſtices, and all other perſons whatſoever without ſpecially pleading the ſame.

THE

THE SEVENTH YEAR OF GEORGE III.

CHAP. I.

An Act for granting unto His Majeſty an additional Duty on Beer, Ale, Strong Waters, Wine, Tobacco, Hides, and other Goods and Merchandizes therein mentioned; and for prohibiting the Importation of all Gold and Silver Lace, and of all Cambricks and Lawns, except of the Manufacture of Great-Britain.

A. D. 1767. Expired.

WE your Majeſty's moſt dutiful and loyal ſubjects the commons of Ireland in Parliament aſſembled, having a juſt ſenſe of your royal care for the proſperity of all your ſubjects, and well knowing that the ſecurity of this your realm, and the continuance of the many bleſſings we enjoy under your Majeſty's mild and auſpicious reign, depend on the ſupport of your Majeſty's government, do moſt humbly beſeech your Majeſty, that it may be enacted, and be

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it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the twenty fifth day of December one thouſand ſeven hundred and ſixty ſeven until the twenty fifth day of December, which ſhall be in the year one thouſand ſeven hundred and ſixty nine inclusive, and no longer, there ſhall be throughout your Majeſty's kingdom of Ireland granted, raiſed, collected, levied, and paid to your Majeſty, your heirs and ſucceſſors, the ſeveral rates, additional duties and impoſitions, herein after mentioned (that is to ſay) for and upon every thirty two gallons of beer or ale above the price of ſix ſhillings the barrel, brewed within this kingdom by any common brewer, or in his veſſels, or by any other perſon or perſons, who doth, or do, or ſhall ſell or tap out beer or ale publickly or privately, the ſum of two ſhillings, to be paid by the common brewer, or by ſuch other perſon or perſons reſpectively, who ſhall brew, ſell, or tap out the ſame, and ſo proportionably for a greater or leſſer quantity; and for every thirty two gallons of beer or ale of the price of ſix ſhillings the barrel, or under, brewed within this kingdom by any common brewer, or in his veſſels, or by any other perſon or perſons who doth, or do, or ſhall ſell or tap out beer or ale publickly or privately, the ſum of four pence, to be paid by the common brewer, or ſuch other perſon or perſons reſpectively, who ſhall brew, ſell, or tap out the ſame during the time aforeſaid, and ſo proportionably for a greater or leſſer quantity; for every gallon of aquavitæ, ſtrong waters, or ſpirits, made or diſtilled within this kingdom for ſale, the ſum of four pence, to be paid by the firſt maker or diſtiller thereof during the time aforeſaid; for every pound weight of tobacco, that ſhall be imported duringthe time aforeſaid into this kingdom, the ſum of three pence halfpenny; for every yard of muſlin, that ſhall be imported into this kingdom during the time aforeſaid, the ſum of ſix pence; for every yard of all ſorts of ſilks and ſtuffs, made or manufactured in Perſia, China, or the Eaſt Indies, that ſhall be imported into this kingdom during the time aforeſaid, the ſum of one ſhilling and ſix pence; for every ton of wine that ſhall be imported into this kingdom during the time aforeſaid, the ſum of four pounds, and ſo proportionably for a greater or leſſer quantity; for every gallon of brandy, ſtrong waters, and ſpirits perfectly made, and of ſpirits made and diſtilled of wine not above proof, that ſhall be imported into this kingdom during the time aforeſaid, the ſum of eight pence, and ſo proportionably for a greater or leſſer quantity; and for every gallon of foreign ſpirits (above the quality of ſingle ſpirits) which

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ſhall be imported into this kingdom during the time aforeſaid, an additional duty ſhall be paid for ſuch ſpirits, and ſhall be charged thereon in proportion to the duties payable for ſingle ſpirits of the ſame denomination according to the comparative degree of ſtrength, which ſuch ſpirits ſo to be imported ſhall bear to ſingle ſpirits of the ſame denomination; for and upon every pound weight of coffee, chocolate, and cocoa nuts, that ſhall be imported into this kingdom during the time aforeſaid, the ſum of three pence; an additional duty of twenty ſhillings ſterling on every hundred weight of molaſſes; an additional duty of twenty ſhillings ſterling on every hundred weight of treacle; an additional duty of ſix pence *per* yard for and upon all foreign ſtuffs, called romalls, and all manufactures made of cotton, or of cotton and linnen mixed, whether plain, painted, or ſtained, which ſhall be imported into this kingdom during the time aforeſaid, from any parts beyond the ſeas (except the manufacture of Great Britain;) an additional duty of ſix pence *per* hide for and upon every raw and untanned hide, which ſhall be exported out of this kingdom to parts beyond the ſeas, (except to Great Britain) during the time aforeſaid; an additional duty of one ſhilling for every rheam of paper, which ſhall be imported into this kingdom during the time aforeſaid, (except of the manufacture of Great Britain) provided ſuch paper exceeds five ſhillings in value *per* rheam.

II. And be it further enacted by the authority aforeſaid, That all and ſingular the ſaid duties, and impoſitions hereby granted ſhall be raiſed, levied, collected, and paid unto your Majeſty, your heirs and ſucceſſors, during the time aforeſaid, over and above all other duties payable for the ſame by virtue of an act made in this kingdom in the fourteenth and fifteenth years of the reign of King Charles the ſecond, intituled, *An act for the ſettling the exciſe or new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted;* or by virtue of one other act made in the fourteenth and fifteenth years of the reign of the ſaid King Charles the ſecond, intituled, *An act for ſettling the ſubſidy of poundage, and granting a ſubſidy of tunnage, and other ſums of money unto his royal Majeſty, his heirs and ſucceſſors, the ſame to be paid upon merchandizes imported and exported into or out of the kingdom of Ireland, according to the book of rates hereunto annexed.*

14 & 15 C. 2. 8. & 9.

III. Provided always, and be it further enacted by the authority aforeſaid, That if the ſaid wines, ſtrong waters, ſpirits perfectly made, and ſpirits made and diſtilled of wine and brandy, or ſpirits above the quality of ſingle ſpirits, upon which the ſaid additional duties are charged, ſhall after payment thereof, or ſe-

curity given for the ſame, be again exported by any merchant or merchants, that is or are a ſubject or ſubjects of this realm, or any other of your Majeſty's dominions, within twenty four calendar months, or by merchant ſtrangers within twelve calendar months after the importation thereof, and due proof firſt made by certificate from the proper officer, of the due entry of ſuch wines, ſtrong waters, ſpirits, perfectly made, and ſpirits made and diſtilled of wine, brandy, or ſpirits above the quality of ſingle ſpirits, and of the payment of the ſaid additional duties hereby granted and charged thereon, or ſecurity being given for the ſame, and that all other requiſites have been performed, which are by law required to be performed in caſes where the duties of exciſe are to be repaid by virtue of the before mentioned act, intituled, *An act for the ſettling the exciſe or new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted*; that then the ſaid additional duties ſhall without any delay or reward, if the ſame ſhall have been paid be repaid or allowed unto ſuch merchant or merchants ſo exporting the ſame within one month after demand thereof, or if the ſame ſhall not have been paid, the ſecurity for the ſaid additional duties by this act charged ſhall be vacated or diſcharged, as to ſo much thereof as ſhall be ſo exported, any thing herein contained to the contrary notwithſtanding.

14 & 15 C. 2. c. 8.

IV. And be it further enacted by the authority aforeſaid, That the additional rates and duties hereby granted and impoſed on coffee, chocolate, and cocoa nuts, and all monies ariſing thereby, ſhall be paid to the truſtees, appointed for the management of the hempen and flaxen manufactures of this kingdom, to be by them applied to encourage and ſupport the ſaid manufactures and the trade thereof in this kingdom; and that the ſaid additional duties on raw and untanned hides, and all money ariſing thereby, ſhall be paid to the ſaid truſtees to be by them applied towards encouraging the raiſing of flax-ſeed in this kingdom.

V. And be it further enacted by the authority aforeſaid, That all and every the ſeveral and reſpective additional duties hereby granted ſhall be raiſed, anſwered, collected, and paid unto your Majeſty, your heirs and ſucceſſors, during the term aforeſaid at the ſame time, in like manner, and by ſuch ways, means, and methods, and by ſuch rules and directions, and under ſuch penalties and forfeitures, and with ſuch powers as are appointed, directed, and expreſſed in and by the ſaid act made in this kingdom in the fourteenth and fifteenth years of the reign of King Charles the ſecond, intituled, *An act for the ſettling the exciſe or new impoſt upon his Majeſty, his heirs and ſucceſſors, according*

14 & 15 C. 2. c. 8.

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ing to the book of rates therein inſerted, or by any other law now in force relating to the revenue of exciſe in this kingdom, as fully and effectually to all intents and purpoſes, as if the ſame were particularly mentioned, expreſſed, and enacted again in the body of this preſent act, with like remedy of appeal to and for the party grieved as in and by the ſaid act of exciſe, or any other law or laws now in being, relating to the duties of exciſe, is provided.

VI. And be it further enacted by the authority aforeſaid, That the ſix pence *per* pound, and all other fees which ſhall or may be payable to the vice-treaſurer or vice-treaſurers, paymaſter or receiver-general of this kingdom, upon iſſuing or payment of any ſum or ſums of money which ſhall or may ariſe out of the aids granted this ſeſſion of Parliament, or upon iſſuing or payment of any ſum or ſums of money which ſhall or may be borrowed purſuant to any act of parliament, or vote of credit this ſeſſion of Parliament, ſhall be received by the ſaid vice-treaſurer or vice-treaſurers, receiver, or pay-maſter-general, for the uſe of your Majeſty, your heirs and ſucceſſors, during the term aforeſaid, and ſhall be duly accounted for by him or them to your Majeſty, your heirs and ſucceſſors, as a further and additional aid hereby given and granted.

VII. And be it further enacted by the authority aforeſaid, That the ſeveral ſums herein after mentioned be paid out of the aforeſaid additional duties and aids, granted to your Majeſty by this preſent act, to the perſons herein after mentioned: (that is to ſay) the ſum of two thouſand pounds *per annum* for two years from the twenty fifth day of December one thouſand ſeven hundred and ſixty ſeven to the twenty fifth day of December one thouſand ſeven hundred and ſixty nine incluſive, to the truſtees appointed for the management of the hempen and flaxen manufactures of this kingdom, for encouraging and raiſing ſufficient quantities of hemp and flax in this kingdom; and alſo the further ſum of two thouſand pounds *per annum*, for two years from the twenty fifth day of December one thouſand ſeven hundred and ſixty ſeven to the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty nine incluſive, to the ſaid truſtees appointed for the management of the hempen and flaxen manufactures of this kingdom, for the encouragement of the ſaid hempen and flaxen manufactures in the provinces of Leinſter, Munſter, and Connaught, freed and diſcharged from the payment of ſix pence *per* pound, and all other fees which ſhall or may be payable to the vice-treaſurer or vice-treaſurers, receiver or pay-maſter general, of this kingdom,

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clerk of the pells, or any other officer or officers of this kingdom; the ſum of four thouſand pounds to the right honourable the ſpeaker of the houſe of commons to enable him to maintain the ſtate and dignity of his office; the ſum of five hundred pounds to Agmondiſham Veſey, eſquire, accomptant general, as a reward for his expence and trouble in preparing and ſtating the public accounts of the nation, laid before the houſe of commons this ſeſſion of Parliament; the ſum of three hundred pounds to William Brabazon Ponſonby, eſquire, as a reward for his expence and trouble in preparing and making out the account of the imports and exports for two years, ended the twenty fifth day of March, one thouſand ſeven hundred and ſixty ſeven, purſuant to an order of the houſe of commons; the ſum of five hundred pounds to Edward Sterling and Henry Alcock, eſquires, clerks of the houſe of commons, as a reward for their attendance and ſervice this ſeſſion of Parliament; the ſum of two hundred pounds to Thomas Kirby, clerk aſſiſtant, as a reward for his attendance and ſervice this ſeſſion of Parliament; the ſum of ſix hundred pounds to James Bailie eſquire, ſerjeant at arms, as a reward for his attendance and ſervice this ſeſſion of Parliament; the ſum of three hundred and fifty pounds to Benjamin Higgins and James Brown, the clerks attending the committee of accounts, and other committees of the houſe of commons, as a reward for their attendance and ſervice this ſeſſion of Parliament, to be equally divided between them; the further ſum of fifty pounds to the ſaid Benjamin Higgins and James Brown for their extraordinary trouble in attending a great number of committees, and drawing ſpecial reports; the ſum of one hundred and twelve pounds to Abraham Bradley for printing the publick accounts laid before the houſe of commons this ſeſſion of Parliament; the ſum of fifty pounds to Houlton Bradley as a reward for his trouble and attendance in delivering the votes to the members of the houſe of commons this ſeſſion of Parliament; the ſum of eighty pounds to Thomas Gilmore and Arthur Harper, door keepers to the houſe of commons, as a reward for their attendance and ſervice this ſeſſion of Parliament, to be equally divided between them; the ſum of two hundred pounds to the right honourable the ſpeaker of the houſe of commons, to be by him divided amongſt the back door keepers and meſſengers attending this houſe, being thirteen in number, in ſuch manner as he ſhall direct; the ſum of five hundred pounds to Mr. William Horton for preparing copies of the publick accounts for the preſs, and comparing and correcting the printed copies which were ordered by the lords juſtices to be printed under his direction, and for having the ſaid printed accounts ready to be delivered to the members of the houſe of

commons on the meeting of this and the laſt ſeſſion of Parliament; the ſum of thirteen thouſand two hundred and eighty ſix pounds eighteen ſhillings and four pence to the commiſſioners for making wide and convenient paſſages from Eſſex Bridge to the caſtle of Dublin to enable them to purchaſe grounds for the purpoſes of widening the ſtreets, accommodating the caſtle, and erecting an Exchange on Cork Hill oppoſite Parliament Street, according to the plan laid before the houſe of commons laſt ſeſſion of Parliament; the ſum of nine hundred and ninety pounds five ſhillings and four pence to the vicar and church wardens of the pariſh of St. Catherine, Dublin, to be applied in finiſhing the church in the ſaid pariſh, to be accounted for to Parliament; the ſum of five hundred pounds to the right honourable Thomas Conolly, Thomas Eyre, Redmond Morres, and George Paul Monk, eſquires, and colonel William Burton, or any three of them, to be applied towards building of an academy for painting, ſculpture, and architecture, to be accounted for to Parliament; the ſum of five thouſand pounds to the corporation of the city of Dublin for carrying on the ballaſt office wall in the harbour of Dublin; the ſum of two thouſand ſeven hundred and fifty ſix pounds eighteen ſhillings and ten pence to the corporation of the city of Dublin to reimburſe them the ſaid ſum, expended by them in carrying on the Inland Navigation from Dublin to Ballyfarnham; the ſum of one thouſand five hundred pounds to the truſtees named in an act paſſed in the fourth year of his Majeſty's reign, intitled, *An act for making more convenient the approaches to the city of Dublin*, or any ſeven or more of them, to enable them to carry the ſaid act into execution, and to be accounted for to Parliament; the ſum of one thouſand four hundred and forty pounds to the commiſſioners for building the church in the pariſh of St. Thomas, Dublin, to be applied in diſcharge of the debts due for building the ſaid church; the ſum of three thouſand ſeven hundred pounds to the commiſſioners appointed by act of Parliament for making a wide and convenient way, ſtreet, or paſſage from Eſſex Bridge to the caſtle of Dublin, and for other purpoſes therein mentioned, towards purchaſing the ſeveral grounds and houſes ſituate on the north end of the Old Bridge, and to clear the paſſage between the Inns Quay and Arran Quay in the city of Dublin; the ſum of nine thouſand five hundred and ninety nine pounds nineteen ſhillings and three pence farthing to the governors of the work-houſe, to be by them applied to diſcharge the debts contracted on account of that charity; the ſum of one thouſand pounds to William Bury, William Lyndon, Luke Mercer, David Burleigh, eſquires, and captain William

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Barton, or any three of them, for the uſe of the marine nurſery, to be accounted for to Parliament; the ſum of one thouſand five hundred pounds to the mayor, recorder, and ſheriffs of the city of Waterford, for the time being, Samuel Barker, Shapland Carew, William Alcock, and Henry Alcock, eſquires, Henry Alcock, Cornelius Bolton, Simon Newport, George Bacas, and John Lyon aldermen, Mr. Hans Wallace, and Mr. James Moore, or any five of them, for finiſhing and compleating the deepning of the ford in the river of Waterford from the little iſland to the oppoſite ſhore of Snow Haven, to be by them accounted for to Parliament, upon giving ſufficient ſecurity by recognizance before the chief baron, or one other of the barons of the Exchequer, to compleat the ſaid work before the next ſeſſion of Parliament; the ſum of one thouſand three hundred pounds to the right honourable Francis Andrews towards widening and enlarging the quay of Londonderry, to be accounted for to Parliament; the ſum of two thouſand ſeven hundred and fifty pounds to the commiſſioners for carrying on the inland navigation of this kingdom, to be by them applyed towards carrying on the navigation of the river Nore, and to be accounted for to Parliament; the ſum of two thouſand pounds to James Chatterton eſquire, mayor, and Sampſon Twogood French, and Hugh Lawton the younger, eſquires, ſheriffs of the city of Cork, alderman William Parks, burgeſs Rowland, burgeſs Wilcocks, John Smith, and William Coles, eſquires, Mr. James Morriſon, Mr. William Fitton, alderman Bradſhaw, George Percy, eſquires, meſſieurs James and Paul Benſon, Joſeph Devonſhire and Thomas Strettle, Chriſtopher Carleton, Hugh Lawton, and Francis Carleton, Stephen Dunroche, Peter Cambridge, John Digby, and Francis Gray, merchants, or any five of them, towards cleanſing and improving the Cork harbour from the cuſtom houſe quay to a place called Black Rock, to be accounted for to Parliament; and that the mayor and ſheriffs of the ſaid city for the time being ſhall alſo be truſtees for carrying on the ſaid work; the ſum of one thouſand five hundred pounds to Roger Hall, Robert Roſs, Robert Scott, and Edward Corry, eſquires, towards erecting a wet dock and piers at Warren Point in the bay of Carlingford, to be by them accounted for to Parliament; the ſum of two thouſand pounds to the corporation for carrying on the inland navigations of this kingdom, to be by them applied towards carrying on the navigation of the river Barrow, to be accounted for to Parliament; the ſum of two thouſand pounds to the governors of St. Patrick's Hoſpital for ideots and lunaticks to enable them to ſupport and extend the ſaid charity to be accounted for to parliament; the ſum of

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eight hundred pounds to the archbiſhop, dean, and mayor of Caſhell for the time being, Richard Pennefather and Kingſmill Pennefather, eſquires, the reverend archdeacon Doyle, or any three of them, for the compleating and finiſhing the cathedral and parochial church in the city of Caſhell, to be accounted for to Parliament; the ſum of two hundred pounds to George Doyle, ſurgeon, for his attendance on the gaol of Newgate for ſixteen years laſt paſt; the ſum of five hundred and ſeventy pounds to Andrew Knox, eſquire, Robert Clements, eſquire, and colonel William Burton, to enable him to repair the breach made laſt winter in the pier of Enver in the county of Donegal, to be accounted for to Parliament; the ſum of one thouſand pounds to the miniſter and church wardens of the pariſh of ſaint John's, Dublin, towards rebuilding the church of ſaid pariſh, to be by them accounted for to Parliament; the ſum of three thouſand pounds to the Dublin Society to enable them in a more ample manner to promote and encourage agriculture, arts, and manufactures, and towards compleating their houſe in Grafton Street in the city of Dublin; the ſum of ſeven thouſand pounds to the Dublin Society to be applied by them for the encouragement of ſuch trades and manufactures, and in ſuch manner and ſubject to ſuch regulations, as ſhall be directed by Parliament; the ſum of two thouſand pounds to Thomas Read eſquire, bailiff of the town of Dundalk, James Forteſcue, Stephen Sibthorp, Robert Waller, and David Latouche, eſquires, or any three of them, to be by them expended in erecting a quay, and making a baſon in the harbour of Dundalk, purſuant to a plan laid before the houſe of commons, to be accounted for to parliament; the ſum of one thouſand pounds to the governors and guardians of the hoſpital for the relief of poor lying-in-women in Dublin to enable them to diſcharge their debts, and to improve and extend that uſeful charity; the ſum of four thouſand pounds to the following truſtees, or any three of them, his grace the lord primate, right honourable Nathaniel Clements, lieutenant general O'Brien Dilkes, major general Edward Sandford, colonel John Pomeroy, colonel Robert Cunningham, colonel James Giſborne, colonel Hunt Walſh, colonel William Burton, and Charles O'Hara, eſquires, and any other perſon, which the ſaid truſtees or the majority of them ſhall chooſe to act as truſtees along with them, to be applied in building and compleating an hoſpital and proper offices for the reception of ſoldiers children, and furniſhing the ſame, as alſo for incloſing three acres of ground neceſſary for the purpoſes of the ſaid inſtitution; the ſum of one thouſand eight hundred and eighty ſeven pounds to Abraham Bradley,

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the coſt remaining due for printing and binding the appendix to the firſt volume, and alſo the twelfth and thirteenth volumes, of the journals of the houſe of comons for the uſe of the members; the ſum of twelve thouſand pounds to the Incorporated Society for promoting Engliſh Proteſtant Schools in this kingdom, to be by them accounted for to Parliament; the ſum of five thouſand pounds to the corporation for carrying on an inland navigation in this kingdom to be applied by them towards making a navigation from Drumglaſs colliery to the colliery baſon in the county of Tyrone, to be accounted for to Parliament, the ſum of ſix hundred and forty pounds to Samuel Beale, Robert Stevelty, John Litchfield, Mary Simmons, and Thomas Beeby, of the city of Cork, ſhop-keepers, for repairing the loſſes they ſuſtained from a riotous mob deſtroying the manufactures of the city of Dublin (the property of thoſe perſons) on the road to Cork, and that the ſaid ſum be paid to the repreſentatives of the city of Cork, and Richard Longfield, eſquire, to be by them applied for the purpoſes aforeſaid; the ſum of one thouſand five hundred pounds to the mayor, ſheriffs, and common council of the city of Cork, to be laid out in clearing and widening a paſſage called Browne's Hill in the ſaid city, and for purchaſing certain houſes adjoining thereto for the purpoſe of widening ſaid paſſage, and lowering ſaid hill, to be accounted for to Parliament; the ſum of four hundred pounds to James Smyth eſquire, paymaſter of the corn premiums, as a recompence for his extraordinary attendance, care, and expence in that office during the two years, ended Michaelmas one thouſand ſeven hundred and ſixty ſeven; the ſum of two thouſand pounds to the corporation for promoting and carrying on an inland navigation in Ireland towards making the river Lagan navigable, and opening a paſſage by water from Loughneagh to the town of Belfaſt, to be accounted for to Parliament; the ſum of ſeven hundred pounds to Thomas Rankin and Holt Warring eſquires in conſideration of their having communicated to the houſe of commons their diſcovery of the effectual manner of tanning with heath, and of the expence and trouble they have been at in making experiments in proof thereof in purſuance of the reſolutions of the houſe of commons laſt ſeſſion of Parliament; the ſum of one thouſand pounds to the corporation for promoting and carrying on an inland navigation in Ireland, to be by them expended in repairing the navigation from Newry to Loughneagh, to be accounted for to Parliament; the ſum of ſix thouſand pounds to the corporation for promoting and carrying on an inland navigation in Ireland to be by them applied towards making the river Shannon navigable from the city of Limerick to the deep navigable

water above the town of Killaloe, as ſoon as the ſum of ten thouſand pounds ſhall be ſubſcribed for compleating the ſaid navigation, and twenty pounds *per cent.* of ſuch ſubſcription ſhall be paid unto ſuch perſon or perſons, as ſhall be appointed for that purpoſe by the ſaid corporation; all which ſaid ſeveral ſums are to be paid by the vice treaſurer or vice treaſurers, receiver general or receivers general, of this kingdom, without any further or other warrant to be ſued for, had, or obtained in that behalf. A. D. 1767.

VIII. And be it further enacted by the authority aforeſaid, That no gold or ſilver lace, cambricks, or lawns whatſoever (except of the manufacture of Great Britain) ſhall from and after the twenty fifth day of December one thouſand ſeven hundred and ſixty ſeven be imported into this kingdom in any ſhip or veſſel whatſoever under the penalty of the forfeiture of all ſuch lace, cambricks, and lawns, and treble the value thereof. and the ſhip or veſſel in which the ſame ſhall be imported, with all her guns, tackle, furniture, ammunition, and apparel; one moiety of which forfeitures ſhall be and remain to your Majeſty, your heirs and ſucceſſors, and the other moiety to him or them who ſhall ſeize and ſue for the ſame by action, bill, plaint, or information in the court of Exchequer, wherein no wager of law, protection, eſſoign, or other dilatory plea ſhall be allowed.

CHAP. II.

An Act for granting to His Majeſty the ſeveral Duties, Rates, Impoſitions, and Taxes therein particularly expreſſed, to be applied to the Payment of the Intereſt of the Sums therein provided for, and towards the Diſcharge of the ſaid Principal Sums, in ſuch Manner as therein is directed.

WHEREAS by an act of parliament made and paſſed in the ſixth year of your Majeſty's reign, intitled, *An act for granting to his Majeſty the ſeveral duties, rates, and impoſitions therein expreſſed, to be applied to pay an intereſt at the rate of four pounds* per centum per annum *for the ſums therein provided for, and towards the diſcharge of the ſaid principal ſums*, ſeveral aids and additional duties were granted to your Majeſty, your heirs and ſucceſſors, from the twenty fifth day of December one thouſand ſeven hundred and ſixty five until the twenty fifth day of December one thouſand ſeven hundred and ſixty ſeven incluſive to pay an intereſt for the ſum of ſix hundred thouſand pounds, in the ſaid recited act particularly mentioned, or ſuch part thereof as remained unpaid on the ſaid twenty fifth

5 *G.* 3. 2. recited,

whereby aids granted to pay 4 *per cent.* for 600000l. to 25 Dec. 1767.

day of December one thouſand ſeven hundred and ſixty five, to the perſon or perſons who paid or lent the ſaid ſum of ſix hundred thouſand pounds, his, her, or their executors, adminiſtrators, or aſſigns, at the rate of four pounds *per centum per annum*, to commence from the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty five, without any fee or charge, and free from all deductions, defalcations, and abatements whatſoever, until ſuch time as they ſhould be reſpectively paid their principal money at one intire payment:

and a further loan 100000l. at 4 *per cent.*

and whereas it was enacted in and by the ſaid recited act, that for all and every ſuch further ſum and ſums of money, not exceeding in the whole the ſum of one hundred thouſand pounds, as ſhould be actually paid by any perſon or perſons into your Majeſty's treaſury at the inſtance of his excellency the lord lieutenant or other chief governor or governors of this kingdom for the time being to ſupply ſuch deficiencies, as ſhould or might ariſe in the aids granted laſt ſeſſion of parliament for the ſupport of your Majeſty's government, and for payment of the ſeveral ſums granted in ſaid ſeſſion for carrying on publick works in this kingdom, there ſhould be paid at the receipt of your Majeſty's Exchequer by the hands of the vice treaſurer or paymaſter general, vice treaſurers or paymaſters general, his or their deputy or deputies, at the end of every ſix calendar months, to be computed from the reſpective times of ſuch payments, to the perſon or perſons paying or lending the ſame, his, her, or their executors, adminiſtrators, or aſſigns, an intereſt according to the rate of four pounds *per centum per annum* without any fee or charge, and free from all deductions, defalcations, and abatements whatſoever, until ſuch time as they ſhould be reſpectively paid their principal money at one intire payment:

on 29 September 1766, 100000l. paid in,

and whereas in purſuance of the ſaid recited act the ſum of one hundred thouſand pounds was paid into your Majeſty's treaſury on the twenty ninth day of September in the year one thouſand ſeven hundred and ſixty ſix;

intereſt free 1 year,

and the ſeveral perſons, who lent the ſame, agreed at the time of their reſpective payments, that the ſums by them reſpectively paid ſhould remain free from any intereſt for the ſpace of one year, commencing from the ſaid twenty ninth day of September one thouſand ſeven hundred and ſixty ſix, and to carry an intereſt at the rate of four pounds *per centum per annum* from the twenty ninth day of September one thouſand ſeven hundred and ſixty ſeven, until paid:

4 *per cent.* from 29 Sep. 1767,

Duties inſufficient to pay the ſaid ſums,

and whereas the ſeveral aids and duties, granted to your Majeſty in and by the ſaid recited act, have not proved ſufficient to pay and diſcharge the ſaid ſum of ſix hundred thouſand

pounds

pounds and one hundred thouſand pounds, and the intereſt of the ſame reſpectively at the rate aforeſaid, but the greateſt part of the ſaid ſeveral principal ſums will remain unpaid on the twenty fifth day of December one thouſand ſeven hundred and ſixty ſeven: and whereas there now remains due on the ſaid ſeveral principal ſums the ſum of ſix hundred and ſeventy five thouſand pounds: we therefore your Majeſty's moſt dutiful and loyal ſubjects, the commons of Ireland in parliament aſſembled, do moſt humbly beſeech your Majeſty, that it may be enacted, and be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent parliament aſſembled, and by the authority of the ſame, That for the ſaid ſum of ſix hundred and ſeventy five thouſand pounds, or ſuch part thereof as ſhall remain unpaid on the twenty fifth day of December one thouſand ſeven hundred and ſixty ſeven, there ſhall be paid at the receipt of your Majeſty's Exchequer by the hands of the vice treaſurer or paymaſter general, vice treaſurers or paymaſters general, his or their deputy or deputies, at the end of every ſix calendar months from the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty ſeven to the perſon or perſons, who has or have paid or lent the ſaid ſum of ſix hundred and ſeventy five thouſand pounds, his, her, or their executors, adminiſtrators, or aſſigns, an intereſt at the rate of four pounds *per centum per annum* to commence from the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty ſeven without any fee or charge, and free from all deductions, defalcations, and abatements whatſoever, until ſuch time as they ſhall be reſpectively paid their principal money at one intire payment.

675000l. now due,

for which 4 *per cent.* ſhall be paid half yearly from 25 Dec. 1767.

II. And whereas it may be neceſſary, that a further ſum or ſums of money ſhould be borrowed to ſupply ſuch deficiencies, as may ariſe in the aids granted this ſeſſion of parliament for the ſupport of your Majeſty's government, and for payment of the ſeveral ſums granted this ſeſſion for carrying on publick works in this kingdom: be it further enacted by the authority aforeſaid, That for all and every ſuch further ſum and ſums of money, not exceeding in the whole the ſum of one hundred thouſand pounds, as ſhall be actually paid by any perſon or perſons into your Majeſty's treaſury at the inſtance of his excellency the lord lieutenant or other chief governor or governors of this kingdom for the time being to ſupply ſuch deficiencies, as ſhall or may ariſe in the aids granted this ſeſſion of parliament for the ſupport of your Majeſty's government, and for payment of the ſeveral ſums granted in this ſeſſion for carrying

Further loan 100000l. not above 4 *per cent.* to ſupply deficiencies in aids this ſeſſion.

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on publick works in this kingdom, there ſhall be paid at the receipt of your Majeſty's exchequer by the hands of the vice treaſurer or paymaſter general, vice treaſurers or paymaſters general, his or their deputy or deputies, at the end of every ſix calendar months to be computed from the reſpective times of ſuch payments to the perſon or perſons ſo paying or lending the ſame, his, her, or their executors, adminiſtrators, or aſſigns, ſuch intereſt, not exceeding the rate of four pounds *per centum per annum*, as ſhall be agreed by his excellency the lord lieutenant or other chief governor or governors of Ireland for the time being to be paid for the ſame, without any fee or charge, and free from all deductions, defalcations, and abatements whatſoever, until ſuch time as they ſhall be reſpectively paid their principal money at one intire payment.

Like debentures iſſued and numbered.

III. And be it further enacted by the authority aforeſaid, That like debentures or receipts bearing ſuch intereſt, not exceeding the rate of four pounds *per centum per annum*, as ſhall be ſo agreed upon, ſhall be given by the officers of your Majeſty's treaſury for all and every ſum and ſums of money to be paid into the receipt of your Majeſty's Exchequer purſuant to this act on account of the ſaid intended loan, not exceeding the ſum of one hundred thouſand pounds, and ſhall be inſerted in an arithmetical progreſſion, where the common exceſs or difference is to be one, beginning with the number next after the laſt number of the receipts or debentures for the ſum of ſix hundred and ſeventy five thouſand pounds, now ſtanding out at the rate of four pounds *per centum per annum*, until the whole ſhall be numbered in manner aforeſaid.

Transferable by indorſement,

IV. And be it further enacted by the authority aforeſaid, That all and every perſon or perſons, to whom debentures or receipts have been given for any part of the ſaid ſum of ſix hundred and ſeventy five thouſand pounds now carrying an intereſt at the rate of four pounds *per centum per annum*, and all and every perſon or perſons, to whom debentures or receipts ſhall be given purſuant to this act, his, her, or their executors, adminiſtrators, or aſſigns, may by indorſements on ſuch debentures or receipts transfer the right and benefit of the ſum due on ſuch debentures or receipts; which indorſements (upon notice to the vice treaſurer or vice treaſurers, his or their deputy or deputies, and an entry or memorial thereof, made in the ſaid vice treaſurer's office, which the ſaid vice treaſurer or vice treaſurers, his or their deputy or deputies, ſhall upon requeſt without charge, fee, or reward, make accordingly, and ſhall on requeſt permit the ſame to be viewed at the uſual office hours without fee or reward) ſhall intitle the indorſee or aſſignee, his

on notice and entry,

viewed at office-hours without fee,

or her executors, adminiſtrators, and aſſigns, to the ſole benefit of the ſum ſo transferred or aſſigned; and that the ſaid debentures or receipts may in like manner be aſſigned or transferred by ſuch aſſignee, his or her executors, adminiſtrators, or aſſigns, and ſo *toties quoties*; and that after ſuch aſſignment it ſhall not be in the power of the perſon or perſons, who made ſuch aſſignment, to make void, releaſe, or diſcharge the ſaid aſſignment, or to diſcharge or receive the ſum thereby transferred or aſſigned, or any part thereof.

not after in power of aſſignor.

V. And to the end and intent that the intereſt of the ſaid ſum of ſix hundred and ſeventy five thouſand pounds, or ſo much thereof as ſhall remain unpaid on the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty ſeven, and alſo the intereſt of the ſaid ſum, not exceeding the ſum of one hundred thouſand pounds, or ſo much thereof as ſhall be raiſed in purſuance of this act, may be duly and regularly paid half yearly according to the rates of intereſt herein before mentioned, and according to the true intent and meaning of this act, be it further enacted by the authority aforeſaid, that from and after the twenty fifth day of December, which ſhall be in the preſent year one thouſand ſeven hundred and ſixty ſeven, there ſhall be throughout your Majeſty's kingdom of Ireland raiſed, levied, granted, collected, and paid to your Majeſty, your heirs and ſucceſſors, until the twenty fifth day of December one thouſand ſeven hundred and ſixty nine incluſive, and no longer, over and above the ſeveral rates and duties payable by virtue of an act paſſed in the fourteenth and fifteenth years of the reign of King Charles the ſecond, intitled, *An act for ſettling of the exciſe or new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted*, or by virtue of one other act paſſed in the ſaid fourteenth and fifteenth years of the reign of the ſaid King Charles the ſecond, intitled, *An act for ſettling the ſubſidy of poundage, and granting a ſubſidy of tunnage and other ſums of money unto his royal Majeſty, his heirs and ſucceſſors, the ſame to be paid upon merchandizes imported and exported into or out of the kingdom of Ireland, according to a book of rates hereunto annexed*, and over and above the ſeveral additional duties granted to your Majeſty this preſent ſeſſion of parliament by an act, intitled, *An act for granting to his Majeſty an additional duty on beer, ale, ſtrong waters, wine, tobacco, hides, and other goods and merchandizes therein mentioned, and for prohibiting the importation of all gold and ſilver lace, and of all cambricks and lawns (except of the manufacture of Great Britain)* the ſeveral duties, rates, impoſitions, and taxes herein after mentioned (that is to ſay) an additional duty of ſix pounds *per* tun for

For payment of intereſt of ſaid 675000l. and 100000l. additional duties granted to 25 Dec. 1769, above all duties by 14 & 15 *C.* 2. 8 & 9. and by 7 *G.* 3. 1.

Wines of France or Spain 6l. per

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and upon all ſorts of wine of the growth of France or Spain; and three pounds *per* tun for and upon all ſorts of wine of the growth of Portugal; and of five pounds *per* tun for and upon all other wines, that ſhall be imported into this kingdom from and after the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty ſeven; and alſo an additional duty of four pounds ſterling *per* pound weight for and upon all velvets and manufactures made of or mixed with ſilk (except thoſe of Great Britain, China, Perſia, and the Eaſt Indies) that ſhall be imported into this kingdom from and after the twenty fifth day of December one thouſand ſeven hundred and ſixty ſeven; an additional duty of one halfpenny *per* pound weight for and upon all hops, that ſhall be imported into this kingdom from and after the twenty fifth day of December one thouſand ſeven hundred and ſixty ſeven; an additional duty of five pounds *per cent.* for and upon all china, earthen, japanned, or lacquered ware, as valued or rated for cuſtom by the book of rates, that ſhall be imported into this kingdom from and after the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty ſeven; an additional duty of thirty ſhillings *per* tun for and upon all ſorts of vinegar, that ſhall be imported into this kingdom from and after the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty ſeven; a further additional duty of two pence *per* gallon for and upon every gallon of *aqua-vitæ*, ſtrong waters, and ſpirits, that ſhall be made or diſtilled within this kingdom for ſale, to be paid by the firſt maker or diſtiller thereof, from and after the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty ſeven; a further additional duty of two pence *per* pound for and upon all coffee, that ſhall be imported into this kingdom from and after the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty ſeven; a duty of ten ſhillings *per annum* to be paid by every perſon, that doth or ſhall ſell or tap out by retail any cyder at any time between the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty ſeven and the twenty fifth day of December one thouſand ſeven hundred and ſixty nine inclusive; a duty of one penny *per* gallon for and upon all cyder that ſhall be ſold or tapped out by retail, to be paid by the perſon who ſhall ſell or tap out the ſame by retail, from and after the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty ſeven; an additional duty of twenty ſhillings to be paid by every perſon for every coach, chariot, berlin, calaſh, or chaiſe with four wheels, which ſuch perſon ſhall keep in his or her poſſeſſion, (except hackney or ſtage coaches, and coaches kept by coachmakers for ſale) at any

ton; Portugal 3l. other wines 5l.

Velvets and ſilks (ſave from Britain or the Eaſt) 4l. per lb.

Hops ½d. per lb.

China, earthen, japanned, or lacquered ware, 5l. per cent. as rated for cuſtom,

Vinegar 30s. per tun,

Aquavitæ, ſtrong waters, or ſpirits diſtilled here for ſale 2d. per gallon by 1ſt maker,

Coffee 2d. per lb.

Cyder retailers 10s. per ann. and 1d. per gallon,

20s. 4 wheeled carriages (ſave hackneys, ſtages, or by coachmakers) to 25 Dec.

any time between the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty ſeven and the twenty fifth day of December one thouſand ſeven hundred and ſixty eight inclusive; an additional duty of twenty ſhillings to be paid by every perſon for every coach, chariot, berlin, calaſh, or chaiſe with four wheels, which ſuch perſon ſhall keep in his or her poſſeſſion (except as aforeſaid) at any time between the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty eight and the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty nine inclusive; an additional duty of five ſhillings *per* ton for and upon every tun of ſoap boilers waſte, and ſo in proportion for a greater or leſſer quantity, that ſhall be exported out of this kingdom to parts beyond the ſeas from and after the twenty fifth day of December one thouſand ſeven hundred and ſixty ſeven; an additional duty of three pounds *per* ton for and upon every ton of linen rags, and ſo in proportion for a greater or leſſer quantity, that ſhall be exported out of this kingdom to parts beyond the ſeas from and after the twenty fifth day of December one thouſand ſeven hundred and ſixty ſeven.

1768, and 20s. to 25 Dec. 1769.

Soap waſte exported 5s. per tun, linen rags 3l.

VI. And whereas great frauds and abuſes have been committed by the clandeſtine importation of tea from parts beyond the ſeas without paying any duties for ſuch tea: for remedy whereof, and for the greater diſcouragement of the pernicious and illegal practice of unlawfully importing and clandeſtinely running and landing of tea, be it enacted by the authority aforeſaid, That from and after the twenty fifth day of December one thouſand ſeven hundred and ſixty ſeven until the twenty fifth day of December one thouſand ſeven hundred and ſixty nine inclusive there ſhall be paid to your Majeſty, your heirs and ſucceſſors, the ſum of ſix pence, and no more, for every pound of green tea, and the ſum of four pence, and no more, for every pound of black bohea and other tea, which ſhall be imported into this kingdom during the time aforeſaid, in lieu and full ſatisfaction of all cuſtom, exciſe, or other duties payable to your Majeſty for the ſame by any act or acts of parliament heretofore made in this kingdom.

To prevent running tea,

6d. per lb. green tea, 4d. black bohea and other tea, in lieu of all other duties.

VII. And be it further enacted by the authority aforeſaid, That if the ſaid wines and other merchandizes herein before mentioned, upon which the aforeſaid duties are hereby charged upon the importation thereof, ſhall be again exported by any merchant or merchants, who is or are ſubject or ſubjects of this realm or any other your Majeſty's dominions, within twenty four calendar months, or by merchant ſtrangers within twelve calendar months, after the importation thereof, and if due

Drawback on export by ſubjects in 24, ſtrangers in 12 months after import on certificate of entry, payment and other requiſites.

proof ſhall be firſt made by certificate from the proper officers of the due entry and payment of the ſaid duties hereby granted, and if all other requiſites ſhall be performed, which are by law required to be performed in thoſe caſes, where the duties of exciſe are to be repaid, that then the ſaid duties hereby impoſed ſhall without any delay or reward be repaid or allowed unto ſuch merchant or merchants, ſo exporting the ſame, within one month after demand thereof, or the ſecurity for the ſaid duties by this act charged ſhall be vacated as to ſo much, as ſhall be ſo exported, any thing herein to the contrary notwithſtanding.

Cyder not retailed without licence.

VIII. And be it further enacted by the authority aforeſaid, That from and after the twenty fifth day of December one thouſand ſeven hundred and ſixty ſeven no perſon or perſons whatſoever ſhall ſell or tap out by retail any cyder within this kingdom, but only ſuch as ſhall be licenced according to the directions of this act, under ſuch penalty as herein after is expreſſed.

Licence by 3 commiſſioners and collectors,

IX. And be it further enacted by the authority aforeſaid, That from and after the twenty fifth day of December one thouſand ſeven hundred and ſixty ſeven it ſhall and may be lawful to and for the chief commiſſioners of his Majeſty's exciſe, or any three of them, and the collectors of his Majeſty's exciſe in their ſeveral and reſpective diſtricts, from time to time to iſſue and grant ſuch licences for the ſelling and tapping out cyder by retail; and that for every ſuch licence ſo to be granted the ſum of one ſhilling and one penny, and no more, ſhall be paid or demanded as a fee for the ſame; and if any perſon or perſons ſhall from and after the twenty fifth day of December one thouſand ſeven hundred and ſixty ſeven ſell or tap out cyder by retail without ſuch licence as aforeſaid, every ſuch perſon ſo offending ſhall for every time, he or ſhe ſhall ſo offend, forfeit and pay the ſum of five pounds.

Fee 1s. 1d.

5l. retailing without licence.

Gaugers and exciſe officers may by day enter houſes, &c. of cyder retailers, take account, and charge 1d. per gallon.

X. And be it further enacted by the authority aforeſaid, That for the better ordering and collecting the ſaid duty of one penny *per* gallon for and upon all cyder that ſhall be ſold or tapped out by retail, it ſhall and may be lawful to and for the gauger or gaugers, and officers of exciſe, within their reſpective diſtricts from time to time from and after the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty ſeven to enter in the day time into the houſes, outhouſes, ſtorehouſes, and cellars of every retailer or retailers of cyder, and to take an account of all ſuch cyder as ſhall be found in the poſſeſſion of ſuch retailer or retailers, and to charge ſuch

retailer or retailers with the ſaid duty of one penny *per* gallon accordingly.

Stock ſhewn,

XI. And be it further enacted by the authority aforeſaid, That from and after the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty ſeven every retailer of cyder ſhall ſhew to the gauger or officers of exciſe on demand all his or her ſtock of cyder then on hand; and in caſe any ſuch retailer or retailers of cyder, or his, her, or their ſervant or ſervants (in caſe ſuch retailer or retailers ſhall not be preſent, when the gauger or officers of exciſe ſhall come to ſuch retailer's houſe to take ſtock as aforeſaid) ſhall refuſe to make declaration and ſhew all his or her ſtock of cyder then on hand, every ſuch retailer ſhall for every ſuch offence forfeit and loſe the ſum of ten pounds: and if ſuch gauger or officers of exciſe ſhall after declaration made as aforeſaid find any cyder in the poſſeſſion or cuſtody of ſuch retailer or retailers over and above the quantity ſo ſhewn and declared, ſuch retailer ſhall likewiſe forfeit and loſe the ſum of ten pounds.

10l. on refuſal or falſe return.

Certificate of coaches, &c. in 3 months to collector of the diſtrict, with place of abode.

XII. And be it further enacted by the authority aforeſaid, That for the better collecting the ſaid duty chargeable on every perſon, who ſhall keep any carriages with four wheels (except as before excepted) every perſon, who from and after the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty ſeven ſhall have or keep any coach, chariot, berlin, calaſh, or chaiſe with four wheels, ſhall within three calendar months after the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty ſeven, or within three calendar months after he or ſhe ſhall have or keep any ſuch coach, chariot, berlin, calaſh, or chaiſe with four wheels, by writing under his or her hand certify to the collector of the diſtrict, where he or ſhe ſhall reſide or dwell, a true account of every ſuch coach, chariot, berlin, calaſh, and chaiſe with four wheels, which he or ſhe ſhall have or keep (except hackney or ſtage coaches, and coaches kept by coach makers for ſale) with the name of the place and pariſh of his or her uſual reſidence or abode; which ſaid certificate ſhall be kept by the reſpective collectors of the ſeveral diſtricts in this kingdom, now or hereafter to be appointed by the commiſſioners of his Majeſty's revenue in this kingdom, or any three or more of them, and ſhall be alſo entered in a book to be by them reſpectively kept for that purpoſe, and a number ſhall be entered on each certificate regiſtered; and that the ſaid collectors reſpectively ſhall under their hands on or before the twenty fifth day of December in every year give a true liſt of all coaches, chariots, berlins, calaſhes, and chaiſes with four wheels, from time to time returned to them reſpectively, in ſuch

Certificate kept, entered, and numbered,

liſts returned by 25 Dec. yearly to collectors of ſaid duties,

certificates, with the names of the perſons and places of their abode reſpectively mentioned in ſuch reſpective certificates, to the perſons, who for the time being ſhall be appointed by the commiſſioners of his Majeſty's revenue of exciſe, or any three of them, to collect and receive the ſaid duties; and that ſuch perſons, as ſhall be appointed by the ſaid commiſſioners of exciſe, or any three of them, to collect the ſaid duties on coaches, chariots, berlins, calaſhes, and chaiſes with four wheels, ſhall have full power and authority to collect and receive the ſame, and ſhall reſpectively ſign and deliver acquittances without fee or reward for the ſame, and ſhall keep duplicates thereof in a book to be kept for that purpoſe, in the ſame manner as acquittances are given and kept for the duty of fire hearths, and ſhall reſpectively return the book containing the duplicates of ſuch acquittances to ſuch perſon and perſons, and at the ſame times, and to be diſpoſed of in the ſame manner, as books containing the duplicates of acquittances for the ſaid duty on fire hearths are returned.

to give acquittances without fee, keep duplicates, and return as for hearth-money.

XIII. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall have or keep any coach, chariot, berlin, calaſh, or chaiſe with four wheels, chargeable with the ſaid duty by virtue of this act, which ſhall not be certified in manner as aforeſaid, then and in ſuch caſe every ſuch perſon and perſons ſo having or keeping ſuch coach, chariot, berlin, calaſh, or chaiſe with four wheels not certified as aforeſaid, ſhall for ſuch neglect forfeit the ſum of five pounds.

5l. on not certifying coaches, &c.

XIV. Provided nevertheleſs, That every perſon (except as before excepted) having in his or her keeping or poſſeſſion any coach, chariot, berlin, calaſh, or chaiſe with four wheels, belonging to another, ſhall be charged for every ſuch coach, chariot, berlin, calaſh, or chaiſe with four wheels, with the ſaid duty impoſed by this act, in the ſame manner as the owner or proprietor thereof is or ought to be charged or chargeable for the ſame by this act.

Having another's carriage, charged as owner.

XV. And be it further enacted by the authority aforeſaid, That the perſon or perſons, who for the time being ſhall be authorized and impowered to collect and levy the ſaid duty on coaches, chariots, berlins, calaſhes, and chaiſes with four wheels, ſhall pay the ſame to the ſaid collectors of the ſeveral diſtricts, where the ſaid duty ſhall be collected and raiſed; and that the ſaid collectors ſhall keep ſeparate and diſtinct accounts thereof, and pay the ſame into your Majeſty's treaſury, as other money received by them for the uſe of your Majeſty.

Paid to collector of diſtrict,

ſeparate accounts kept,

paid into treaſury.

XVI. And

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XVI. And be it further enacted by the authority aforeſaid, That all and every the ſeveral and reſpective additional and other duties and rates hereby granted ſhall be raiſed, anſwered, collected, and paid unto your Majeſty, your heirs and ſucceſſors, during the term aforeſaid at the ſame time, and in like manner, and by ſuch ways, means, and methods, and by ſuch rules and directions, and under ſuch penalties and forfeitures, and with ſuch powers, as are appointed, directed, and expreſſed in and by the ſaid act made in this kingdom in the fourteenth and fifteenth years of the reign of King Charles the ſecond, intituled, *An act for the ſettling of the exciſe or new impoſt upon his Majeſty, his heirs, and ſucceſſors, according to the book of rates therein inſerted*, or by any other law now in force relative to the revenue of exciſe in this kingdom, as fully and effectually to all intents and purpoſes as if the ſame were particularly mentioned, ſpecified, and enacted again in the body of this preſent act, with like remedy of appeal to and for the party grieved as in and by the ſaid act of exciſe, or any other law or laws now in being relating to the duties of exciſe, is provided.

Additional duties collected and paid as by 14 & 15 *C.* 2. 8. or other exciſe law, with like appeal.

XVII. And be it further enacted by the authority aforeſaid, That all and every perſon and perſons, who ſhall have upon the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty ſeven, or who ſhall have at any time between the ſaid twenty fifth day of December one thouſand ſeven hundred and ſixty ſeven and the twenty fifth day of December one thouſand ſeven hundred and ſixty nine incluſive, any ſalary, profits of employments, fees, or penſions in this kingdom ſhall pay unto your Majeſty the full ſum of four ſhillings ſterling out of every twenty ſhillings a year, which he, ſhe, or they do or ſhall receive, or be intitled unto by reaſon of ſuch ſalaries, profits of employments, fees, or penſions, over and above the charges and expences of executing the ſaid employments, unleſs ſuch perſon or perſons do or ſhall live and actually reſide within this kingdom for and during the ſpace of ſix calendar months at leaſt in each of the ſaid years; which ſaid tax or duty of four ſhillings ſterling out of every twenty ſhillings a year as aforeſaid out of ſuch reſpective ſalaries and penſions ſhall be ſtopped and deducted yearly during the time and term aforeſaid by the vice treaſurer, paymaſter and receiver general of your Majeſty's revenue, or by ſuch perſon or perſons who is or are to pay the ſame; and which ſaid tax of four ſhillings in the pound to be ſtopped and deducted as aforeſaid by the perſon or perſons, who are to pay the ſaid ſalaries, ſhall be by him or them paid to the vice treaſurer or vice treaſurers, his or their deputy or deputies, to be accounted for

4*s. per £.* out of ſalaries, employment, fees, or penſions,

unleſs reſident 6 months each year,

ſtopped by paymaſter general,

accounted for to the King,

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for to your Majesty; and also that the said tax of four shillings in the pound, to be stopped or deducted out of the profits and fees of any person or persons so absent as aforesaid, shall be stopped by the respective deputy and deputies of such person and persons so absent as aforesaid, and paid by them to the said vice treasurer or vice treasurers, his or their deputy or deputies, to be accounted for to your Majesty; and that such deputy or deputies shall within one calendar month, after such tax shall become due, give in upon oath an account before the lord chief baron, or any of the barons of the exchequer, or any two justices of the peace, of the neat profits of such employment or employments, for which such deputy or deputies are or shall be accountable to their principals; which account such person or persons, to whom the same shall be given upon oath as aforesaid, shall forthwith send to the said vice treasurer or vice treasurers, his or their deputy or deputies; and in case such deputy or deputies shall omit or neglect to give in upon oath such account within the time herein before for that purpose appointed, such deputy or deputies, neglecting or omitting the same from the time of such omission or neglect shall be incapable of exercising or holding such deputation, and shall also forfeit the sum of one hundred pounds sterling, to be recovered by bill, plaint, or information in any of his Majesty's courts of record at Dublin, one moiety thereof to the use of his Majesty, and the other moiety to such person or persons who shall sue for the same; in which suit no essoign, protection, wager of law, or more than one imparlance shall be allowed.

stopped by deputy of absentee,

account of neat profits on oath before a baron or 2 justices by such deputy,

sent to vice treasurers,

deputy neglecting disabled, and to forfeit 100l. to the King and prosecutor.

XVIII. And be it further enacted by the authority aforesaid, That the secretary or secretaries of the commissioners of your Majesty's revenue, the agent and agents of the several regiments upon the establishment of this kingdom, and the agent and agents of the several persons who are intitled to receive any salaries or pensions upon your Majesty's establishment, shall respectively on or before the last day of February yearly deliver in upon oath (which oath the said lord chief baron or any of the barons of your Majesty's court of exchequer, or any two justices of the peace, are hereby required and impowered to administer) to the best of their knowledge a list or account of such of the officers of the revenue, and the officers of the said regiments of the degree of a field officer, and of the person or persons who are intitled to receive any such salaries or pensions, who shall have been absent and out of this kingdom for six calendar months in the year, ending the twenty fifth day of December next preceding; and in case such secretary or secretaries, agent or agents, shall refuse or neglect to deliver in such lists respectively, he or they

Agents, and secretaries of commissioners, to deliver on oath before a baron or 2 justices by 1st Feb. yearly,

lists of such absentees,

or disabled.

shall be disabled from holding and enjoying the said office of secretary or secretaries, or from being agent or agents.

Excepted, any descendant of the late King, C. governor or his secretary, officers on service or under a field officer, half-pay, or widows.

XIX. Provided always, and be it further enacted and declared by the authority aforesaid, That this act shall not extend to charge the said tax or duty of four shillings sterling a year on every twenty shillings a year as aforesaid upon the salary, pension, fees, or profits of employments, payable to any of the descendants of your Majesty's royal grandfather, nor to the lord lieutenant or other chief governor or governors of this kingdom for the time being, his or their principal secretary, nor to the officers of such regiments as now are or shall hereafter be commanded abroad on his Majesty's service, nor to any officers under the degree of a field officer, nor to the half pay officers on the establishment of this kingdom, nor to the widows of officers.

No fees on payments pursuant to this act.

XX. And be it further enacted by the authority aforesaid, That neither the six pence *per* pound nor any other fee shall be payable to or be deducted or received by the vice treasurer or vice treasurers, receiver or paymaster general, clerk of the pells, or any other officer or officers of this kingdom, for or on account of the issuing or payment of any sum or sums of money arising by, or which shall be received for or on account of, the aids hereby granted to your Majesty, or of any payment to be made in pursuance of this act.

10,000l. of produce on teas yearly to linen manufacture, 7300l. to hereditary revenue; surplus with the other duties in this act to the interest of said 675000l. and 100000l. then to discharge of said 675000l.

XXI. And be it further enacted by the authority aforesaid, That so much of the yearly produce of the said duties arising upon teas, as shall amount to the sum of ten thousand pounds yearly, shall in the first place be paid to the trustees of the hempen and linen manufactures in this kingdom; and that so much of the residue of the said duties upon teas, as shall amount to the sum of seven thousand three hundred pounds yearly, shall be placed to the account of your Majesty's hereditary revenue; and that the residue or surplus of the produce of such duties, together with the several other duties and aids hereby granted unto your Majesty, shall in the first place be applied and paid by the vice treasurer or vice treasurers, his or their deputy or deputies, to the discharge of the interest of the said sum of six hundred and seventy five thousand pounds, or such part thereof as shall remain unpaid on the said twenty fifth day of December in the year of our lord one thousand seven hundred and sixty seven, and also to the discharge of the interest of such sum or sums not exceeding the said sum of one hundred thousand pounds, as shall be borrowed in pursuance of this act, in the manner, and at the respective times, and according to the rate of interest herein before mentioned and appointed for that purpose; and that all the

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ſurplus or exceeding of the ſaid aids and duties hereby granted to your Majeſty, over and above what ſhall be ſufficient to diſcharge the intereſt of the ſaid ſum of ſix hundred and ſeventy five thouſand pounds, or ſo much thereof as ſhall remain due on the twenty fifth day of December, one thouſand ſeven hundred and ſixty ſeven, and over and above what ſhall be ſufficient to pay the intereſt of what ſhall be borrowed in purſuance of this act, ſhall in the firſt place be applied towards the diſcharge of the ſaid ſum of ſix hundred and ſeventy five thouſand pounds, or ſo much thereof as ſhall remain unpaid on the twenty fifth day of December, one thouſand ſeven hundred and ſixty ſeven.

When after paying ſaid intereſt ſurplus 5000l. drawn by ballot.

XXII. And be it further enacted by the authority aforeſaid, That from and after the payment of the intereſt of the ſaid ſeveral and reſpective ſums before mentioned, and when and as often as any ſurplus or exceeding of the aid and duties hereby granted ſhall be received by the vice treaſurer or vice treaſurers, his or their deputy or deputies, and that ſuch ſurplus or exceeding ſhall amount to the ſum of five thouſand pounds, that then the vice treaſurer or vice treaſurers, his or their deputy or deputies, ſhall cauſe the numbers of ſuch receipts or debentures, amounting to the ſaid ſum of ſix hundred and ſeventy five thouſand pounds, or ſo much thereof as ſhall remain unpaid on the ſaid twenty fifth day of December, one thouſand ſeven hundred and ſixty ſeven, which purſuant to this preſent act is to bear an intereſt at the rate of four pounds *per centum per annum*, and the ſums therein contained, to be written on ſeveral tickets or pieces of parchment, and to be rolled and ſewed up, and put into a box or urn, and well mixed together; and an indifferent perſon ſhall publickly between the hours of ten and twelve in the forenoon of a day to be by the ſaid vice treaſurer or vice treaſurers, his or their deputy or deputies, publickly advertized in the Dublin Gazette for that purpoſe at leaſt twenty days before, at the office of the vice treaſurer or vice treaſurers in the caſtle of Dublin draw out of ſuch box or urn as many of ſaid tickets or pieces of parchment, as the ſums therein contained ſhall amount to the ſaid ſum of five thouſand pounds; and the perſon or perſons, the numbers of whoſe debentures or receipts ſhall be ſo drawn, his or their executors, adminiſtrators, or aſſigns, ſhall within twenty days after the ſaid tickets or pieces of parchment ſhall be drawn, be paid by the vice treaſurer or vice treaſurers, his or their deputy or deputies, the principal ſums to him, her, or them reſpectively due, with intereſt for the ſame at the rate of four pounds *per centum per annum* till paid, and ſhall upon payment thereof deliver his, her, and their ſeveral and reſpective debentures or receipts to the ſaid vice treaſurer or vice treaſurers,

his

his or their deputy or deputies, to be cancelled, which he or they are hereby required to cancel accordingly, and the intereſt payable by virtue of ſuch debentures or receipts ſhall ceaſe from the expiration of twenty days, to be accounted from the day of drawing the ſaid tickets or pieces of parchment.

So much as due 25 Dec. 1769 paid with ſuch intereſt.

XXIII. And be it further enacted by the authority aforeſaid, That ſuch part of the ſaid ſum of ſix hundred and ſeventy five thouſand pounds, hereby provided for, as ſhall remain due and unpaid on the ſaid twenty fifth day of December which ſhall be in the year of our Lord one thouſand ſeven hundred and ſixty nine, as alſo ſuch ſum or ſums of money not exceeding one hundred thouſand pounds, as ſhall or may be borrowed in purſuance of this act, ſhall be well and truly ſatisfied and paid unto the ſeveral and reſpective perſons, their executors, adminiſtrators and aſſigns, to whom the ſame ſhall be then due, together with ſuch intereſt for the ſame as ſhall be then due at the rate aforeſaid, without any deduction, defalcation, or abatement whatſoever.

Separate account kept of duties appropriated,

weekly abſtracts to accountant general,

ſeparate account by him to vice treaſurers,

and ſeparate receipts.

XXIV. And be it further enacted by the authority aforeſaid, That from and after the ſaid twenty fifth day of December, one thouſand ſeven hundred and ſixty ſeven a ſeparate and diſtinct account ſhall be kept by the proper officer of the aids and duties, and taxes, granted by this act or any other act of Parliament now in force in this kingdom, and appropriated to particular uſes; and that the commiſſioners of his Majeſty's revenue ſhall return their weekly abſtracts from the ſeveral collectors to the accountant general; and that the accountant general ſhall return a ſeparate account of the ſeveral duties and taxes ſo appropriated to the vice treaſurer or vice treaſurers, his or their deputy or deputies; and that every collector or receiver of the ſaid duties and taxes do take a ſeparate receipt for the ſame, when paid into his Majeſty's treaſury, which ſaid receipt the vice treaſurer or vice treaſurers, his or their deputy or deputies, is and are hereby to give accordingly.

CHAP. III.

An Act for limiting the Duration of Parliaments.

THAT whereas a limitation of the duration of Parliaments may tend to ſtrengthen the harmony and good agreement ſubſiſting between his Majeſty and his people of Ireland, and may be productive of other good effects to his Majeſty's ſubjects there: we, your Majeſty's moſt dutiful and loyal ſubjects, the commons of Ireland in Parliament aſſembled, do moſt humbly beſeech your Majeſty, That it may be declared and enacted in this preſent Parliament, and be it declared and enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from henceforth no Parliament, which ſhall at any time hereafter be called, aſſembled, or held, ſhall have any longer continuance than for eight years, to be accounted from the day on which by the writs of ſummons the ſaid Parliament ſhall be appointed to meet.

No Parliament to continue above 8 years, from the day appointed to meet by writs of ſummons.

II. And be it further enacted by the authority aforeſaid, That this preſent Parliament ſhall ceaſe and determine on the twenty fourth day of June, which ſhall be in the year of our Lord one thouſand ſeven hundred and ſixty eight, unleſs his Majeſty ſhall think fit ſooner to diſſolve the ſame.

This determined 24 June 1768, unleſs diſſolved ſooner.

CHAP. IV.

An Act to enable Grand Juries to raiſe by Preſentment Money for diſcharging the Rents of Court Houſes, Gaols, and Offices for keeping the Records of the reſpective Counties, and for other Purpoſes.

WHEREAS a doubt has been conceived concerning the power of grand juries to raiſe by preſentment money for the purpoſe of diſcharging the rents of court houſes, gaols, and offices for keeping the records of ſeveral counties, be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That in every county, in which a certain rent is or ſhall be payable for the court houſe, gaol, or offices for keeping the records of ſuch county, the grand juries of ſuch counties reſpectively at their aſſizes ſhall preſent yearly ſuch rents

Grand juries at aſſizes may preſent yearly rents for court houſe, gaol, or offices,

to be raiſed upon their reſpective counties, and the judges of aſſize ſhall have power, if they ſee fit, to confirm ſuch preſentments; and the money, ſo preſented and confirmed as aforeſaid, ſhall be raiſed and paid to ſuch perſons, to whom ſuch rents are or ſhall be reſpectively payable, without any deduction whatſoever. A. D. 1767. confirmed by the judge, and paid.

II. And be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the grand juries of the ſeveral cities in this kingdom at their reſpective aſſizes to preſent ſuch ſums, as they ſhall think proper for building and maintaining work houſes and houſes of correction for diſorderly perſons within their reſpective cities, or in ſome convenient place adjoining to the ſame, as they ſhall judge neceſſary for the purpoſe; and the judges of aſſize ſhall have power, if they ſee fit, to confirm ſuch preſentments. And ſums for work-houſes or houſes of correction in or near cities, confirmed by the judge.

III. Provided always, That the ſum ſo preſented for building any ſuch work houſe ſhall not exceed in the whole the ſum of two hundred pounds, and the ſum ſo preſented for maintaining ſuch work houſe ſhall not in any one year exceed in the whole the ſum of twenty pounds. Not above 200l. for building, not above 20l. a year maintaining.

CHAP. V.

An Act to amend and explain an Act paſſed in the Sixth Year of His preſent Majeſty's Reign, entitled, An Act for the Relief of Inſolvent Debtors.

WHEREAS an act paſſed in the ſixth year of the reign of his preſent Majeſty, entitled, *An act for the relief of inſolvent debtors:* and whereas ſome doubts have been conceived, whether the ſaid act ſhould extend to all perſons, who were actually impriſoned for debt upon the day mentioned in the ſaid act, or to thoſe who were confined by virtue of executions only: in order effectually to remove ſuch doubts be it hereby declared and enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid act *for the relief of inſolvent debtors* ſhall and ought to extend to all perſons whatſoever, whoſe names are contained in the ſchedule Number One, annexed to the ſaid act, not only to thoſe who were charged in execution, but to thoſe alſo who were confined upon writs or other mean proceſſes, upon their duly complying with the terms and performing the ſeveral acts, required by the act aforeſaid. 5 G. 3. 23, extended to all in ſchedule No. 1, as well thoſe confined on writs or other meſne proceſs, as thoſe charged in execution.

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Peter Dodd, described by wrong name, included.

II. And whereas it was the intention of the ſaid act, That Peter Dodd of the city of Dublin, chandler, ſhould be relieved by the ſaid act, but by an error in tranſcribing his name he is in the ſchedule Number Two deſcribed by the name of Pierce inſtead of Peter Dodd, be it enacted by the authority aforeſaid, That the ſaid Peter Dodd, ſhall and may enjoy the benefit of the ſaid act in as ample a manner, as he ſhould have done, had he been inſerted originally in the ſchedule above mentioned by the name of Peter Dodd.

Owen Lyons compriſed in ſchedule No. 1.

III. And whereas the name of Owen Lyons of the city of Dublin, lockſmith, was inadvertently omitted in tranſcribing the ſaid ſchedule Number One, although he was actually confined upon execution in the marſhalſea of the Four courts on the firſt day of February, one thouſand ſeven hundred and ſixty ſix, and ſhould have been compriſed in the liſt above mentioned: be it enacted by the authority aforeſaid, That the ſaid Owen Lyons ſhall be entitled to the benefit of the ſaid act on his performing the ſeveral requiſites therein deſcribed.

CHAP. VI.

An Act to continue, amend, and make more effectual an Act paſſed in the Fourth Year of the Reign of His late Majeſty King George the Firſt, entitled, An Act for veſting in His Majeſty, His Heirs and Succeſſors, the ſeveral Lands, Tenements, and Hereditaments, whereon the Barracks in this Kingdom are Built or Building, or contracted for; and whereon Lighthouſes are or ſhall be Built, and for making reaſonable Satisfaction to the ſeveral Owners and Proprietors for the ſame: *and alſo an Act paſſed in the Twenty firſt Year of the Reign of His late Majeſty King George the Second, entitled,* An Act for amending and making more effectual the ſaid former Act, *and likewiſe to enable the preſent Commiſſioners of the Barrack Board and their Succeſſors to ſell the ſeveral Eſtates in the Lands, whereon Barracks have been Built, that are now gone to Decay, or ſhall hereafter become Uſeleſs, and alſo to ſell the Materials of ſuch decayed Barracks.*

Recital of letters patent of K. Will. 3. 24 Dec. 1700, incorporating truſtees of barracks, with power to take land.

WHEREAS his late Majeſty King William the third by his letters patent, dated the twenty fourth day of December in the year of our Lord one thouſand ſeven hundred, and in the twelfth year of his reign, did unite into a corporation the ſeveral perſons therein mentioned, who are by the ſaid letters patent inveſted with the uſual corporate powers to continue in perpetual ſucceſſion by the name of the truſtees

of

of the barracks in and throughout the kingdom of Ireland, and by that name to be capable at law to ſue and to be ſued, with full power with the approbation and conſent of the chief governor or governors of this kingdom to take grants and leaſes, and to purchaſe houſes and lands in fee ſimple, to them and to their ſucceſſors, not exceeding the yearly value of four hundred pounds, with ſuch clauſes and under ſuch covenants as to the ſaid truſtees and their ſucceſſors, or to the major part of them, ſhould ſeem convenient; which ſaid grants, leaſes, or purchaſes, ſo to be taken or made, are thereby declared to be to the uſe of and in truſt for the maintaining and ſupporting the ſaid barracks and buildings, and for the more commodious quartering the army of this kingdom; and by the ſaid letters patent full power is alſo given to the ſaid truſtees and the ſurvivors or major part of them to elect ſucceſſors from time to time, as vacancies ſhould happen, ſuch their election to be approved of by the chief governor or governors of this kingdom for the time being, in ſuch manner as therein is directed: and whereas the ſaid truſtees did in purſuance of the ſaid letters patent purchaſe the fee of ſeveral lands, and took leaſes for lives, or for a long term of years, of other lands, whereon barracks had been built: and whereas the ſurviving truſtees therein named, having omitted to elect perſons to ſucceed the deceaſed, the ſaid corporation became diſſolved: be it therefore enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all the lands purchaſed by, and alſo all the lands which were let to, the ſaid truſtees for the purpoſes aforeſaid during the continuance of the ſaid leaſes, ſhall be and are hereby declared to be veſted in his Majeſty, his heirs and ſucceſſors, for the uſe of the ſaid barracks, any law, ſtatute, or other matter to the contrary notwithſtanding.

purchaſes and leaſes purſuant thereto, and barracks built.

The corporation diſſolved by not electing ſucceeding truſtees.

the lands veſted in the King for uſe of the barracks.

II. And whereas by an act paſſed in the fourth year of the reign of his late Majeſty King George the firſt, entitled, *An act for veſting in his Majeſty, his heirs and ſucceſſors, the ſeveral lands, tenements, and hereditaments, whereon the barracks in this kingdom are built or building, or contracted for, and whereon lighthouſes are or ſhall be built, and for making reaſonable ſatisfaction to the ſeveral owners and proprietors for the ſame*, it is among other things enacted, That it ſhall and may be lawful to and for the lord lieutenant or other chief governor or governors of this kingdom for the time being, as often as there ſhall be occaſion for the ſame, by one or more commiſſion or commiſſions under the great ſeal of Ireland, to be executed

4 G. 1. 7.

A. D. 1767. Chap. 6.

and returned within the term of ſeven years, from and after the twenty fifth day of December, one thouſand ſeven hundred and ſeventeen to authorize and appoint any number of perſons to be commiſſioners to execute the powers thereby given, which ſaid commiſſioners ſo to be appointed, or any three or more of them, are thereby authorized and required to take ſurveys of and particularly to deſcribe, aſcertain, abut, and bound the ground, whereon ſuch barracks are already built, or building, or contracted for, and ſuch lighthouſes as are already built, or that ſhall be thought neceſſary to be built, on any head land or promontory, with the neceſſary and convenient yards, paſſages, ways, and appurtenances thereunto belonging, where the ſame had not theretofore been aſcertained, abutted, and bounded; and the ſaid commiſſioners are thereby further authorized and impowered to agree with the owners and others intereſted in any ſuch lands, tenements, and hereditaments, for the abſolute purchaſe of ſuch lands, tenements, or hereditaments, or for ſuch certain yearly rents to be paid for the ſame for ever, as they ſhall think fit and reaſonable; and in caſe any perſon or perſons, bodies politick or corporate, eccleſiaſtical or civil, ſhall neglect or refuſe to treat or agree as aforeſaid, or through any diſability by nonage, coverture, or ſpecial limitation in any ſettlement or ſettlements, or by reaſon of any other impediment cannot, or otherwiſe howſoever refuſe to, diſpoſe of their reſpective intereſts in ſuch lands, tenements, or hereditaments, in every ſuch caſe the ſaid commiſſioners, or any three or more of them, are thereby impowered to iſſue forth their warrant or warrants to the ſheriff or ſheriffs of the reſpective counties, wherein ſuch lands, tenements, or hereditaments do lye, to impannel and return before the ſaid commiſſioners a jury to inquire into and aſcertain the neat yearly value of ſuch lands and tenements, ſuppoſing a barrack had not been built thereon, and a leaſe thereof to be made to his Majeſty, his heirs and ſucceſſors, for ever, in ſuch manner as by the ſaid act is di-
21 G. 2. 9. rected: and whereas an act paſſed in the twenty firſt year of the reign of his late Majeſty King George the ſecond to amend and make more effectual the ſaid act paſſed in the fourth of George the firſt, whereby, after reciting the ſaid former act, and that it may be found neceſſary to build new barracks for the more convenient reception of his Majeſty's forces, and the more effectual ſecurity of this kingdom, a power is given to the lord lieutenant, or other chief governor or governors of this kingdom for the time being to execute the powers given to them by the ſaid former act for compleating the abſolute purchaſe, or taking leaſes of lands proper to erect ſuch new

barracks upon; and a power is alſo given by the ſaid act to bodies politick and corporate, eccleſiaſtical or civil, tenants in tail, tenants for life, infants by their guardians, the guardians and committees of lunaticks and ideots, and feme coverts with their huſbands, by deeds indented and inrolled abſolutely to ſell or diſpoſe of, or to contract with, and effectually to convey to, his Majeſty, his heirs and ſucceſſors, or to ſuch perſon or perſons as the lord lieutenant or other chief governor or governors of this kingdom for the time being ſhould appoint, any lands or tenements neceſſary or convenient for making or erecting ſuch new barrack or barracks: and whereas the ſaid acts have been from time to time continued, and are now near expiring: be it therefore enacted by the authority aforeſaid, That the preſent commiſſioners for the barracks of this kingdom and their ſucceſſors, or ſuch perſons as ſhall hereafter be appointed commiſſioners for the ſaid barracks, or any three or more of them, ſhall be and are hereby impowered to carry into compleat execution the ſaid ſeveral powers of purchaſing, taking grants or leaſes of lands, on which it may be neceſſary and expedient to build barracks or lighthouſes, and of aſcertaining the value of ſuch lands, or the rents to be reſerved on ſuch leaſes: and in caſe of the refuſal or diſability of the ſeveral owners or proprietors of ſuch lands, on which it ſhall be thought expedient hereafter to build barracks, the ſaid commiſſioners, or any three or more of them, ſhall be impowered to iſſue their warrant or warrants to the ſheriffs of the reſpective counties, wherein ſuch lands lie, to ſummon a jury in order to aſcertain the yearly value of ſuch lands, and for a leaſe thereof to be made to his Majeſty, in ſuch manner as is preſcribed by the aforeſaid act of the fourth of King George the firſt relative to the purchaſe of lands, whereon barracks are already built or contracted for; and ſuch verdicts or inquiſitions as ſhall be ſo found and returned by the ſaid jury, aſcertaining the rent to be paid for the ſame, as alſo all ſuch contracts and conveyances as the ſaid commiſſioners or any three or more of them ſhall make, ſhall be returned and certified to his Majeſty in the court of exchequer by the ſaid commiſſioners, or any three or more of them, within thirty one days next after ſuch verdict or inquiſition found, or contracts or conveyances made thereof, be entered among the records of the ſaid court; which ſaid contracts or conveyances, verdicts or inquiſitions, ſhall be final and concluſive as well to his Majeſty, his heirs and ſucceſſors, as to the ſaid ſeveral and reſpective owners, proprietors, and tenants, notwithſtanding any diſability or incapacity whatſoever, and immediately after the payment of ſuch ſum or ſums of money as ſhall be agreed to be paid for the purchaſe of the ſame, or contract

any three commiſſioners may purchaſe or take leaſes of lands for building barracks or light-houſes,

and aſcertain value of lands or rents, on refuſal or diſability of owners may ſummon a jury, as by 4 G. 1. 7.

verdicts, contracts, and conveyances returned to exchequer in 31 days,

concluſive to all,

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tract entered into for payment of an annual rent, as alſo from the time of ſuch verdict or inquiſition found and returned into the exchequer, ſhall be veſted in his Majeſty, his heirs and ſucceſſors, for the uſe of the ſaid barracks and lighthouſes reſpectively, notwithſtanding any diſability or incapacity whatſoever; any law, ſtatute, or other matter or thing whatſoever to the contrary notwithſtanding.

Veſted in the King for the uſe of barracks and lighthouſes.

III. And whereas ſeveral barracks in this kingdom are gone to ruin and decay, and yet are attended with a conſiderable expence to the publick, not only on account of the yearly rents that are paid for the ground, on which they were built, but alſo on account of the neceſſity of hiring perſons to keep watch in ſuch barracks as are not entirely decayed: and whereas ſuch charges might not only be ſaved, but a conſiderable ſum might be raiſed for his Majeſty's uſe, by diſpoſing of his Majeſty's title to the ſaid barracks, and to the ground on which they were erected: be it enacted by the authority aforeſaid, That it ſhall and may be lawful for the preſent commiſſioners of the barracks, and for all ſuch perſons as ſhall hereafter be appointed commiſſioners, or any three or more of them, as often as they ſhall be authorized thereto by the order of the chief governor or governors of this kingdom for the time being, by deed indented and inrolled to convey, aſſign, or otherwiſe abſolutely to ſell the title of the crown in or to ſuch ground or barracks.

Decayed barracks.

Commiſſioners or order of C. governors may ſell the Crown's title to the ground or barracks.

IV. Provided always, ſuch ground or barracks ſhall be diſpoſed of by publick cant, and not otherwiſe, to the higheſt bidder.

By publick cant.

V. And provided alſo, That one month's notice be given in the Dublin Gazette and ſome other publick paper of intelligence of the time and place appointed for ſuch ſale or ſales; and that the money ariſing from thence be paid by the ſaid commiſſioners into the treaſury for the uſe of the publick.

On one month notice in Gazette, &c. the money on ſale paid into treaſury.

CHAP.

A. D. 1767.

CHAP. VII.

An Act for further amending an Act paſſed in the thirty firſt Year of the Reign of His late Majeſty King George the Second, entitled, *An Act for making a wide and convenient Way, Street, and Paſſage, from Eſſex Bridge to the Caſtle of Dublin, and for other Purpoſes therein mentioned.*

31 G. 2. 19. amended by 33 G. 2. 15.

WHEREAS by an act, paſſed in the thirty firſt year of the reign of his late Majeſty King George the ſecond, for making a wide and convenient way, ſtreet, and paſſage, from Eſſex bridge to the Caſtle of Dublin, and for other purpoſes therein mentioned (which act was afterwards amended by another act paſſed in the thirty third year of the reign of his ſaid late Majeſty) it is amongſt other things enacted, that it ſhall and may be lawful to and for all bodies politick, corporate, or collegiate, corporations aggregate or ſole, truſtees, guardians, and committees to lunaticks and ideots, not only for or on behalf of themſelves, their heirs and ſucceſſors, but alſo for or on behalf of ceſtuique truſts, whether infants or iſſue unborn, lunaticks, ideots, feme coverts, or other perſons whatſoever who are or ſhall be ſeized or poſſeſſed of, or intereſted in, any houſes, buildings, or ground, which by the commiſſioners named in the ſaid act, ſhall be thought neceſſary to be purchaſed for any of the purpoſes of the ſaid act, to ſell and convey all or any ſuch houſes, buildings, and ground, or any part thereof, to the ſaid commiſſioners, or the ſurvivors of them: and whereas neither of the ſaid acts hath directed to whom the money ariſing from the purchaſes of houſes, buildings, or ground belonging to eccleſiaſtical perſons, ſhall be paid by the ſaid commiſſioners, nor by what means the fee ſimple may be conveyed to the ſaid commiſſioners of ſuch houſes, buildings, or ground, in which any infant under the age of twenty one years ſhall be ſeized of or intitled to an eſtate tail: and whereas it is reaſonable to make proviſion in ſuch caſes ſo far as ſole eccleſiaſtical corporations, or infants ſeized of or entitled to eſtates tail may be affected by the ſaid act; be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That in all purchaſes made or to be made by the ſaid commiſſioners or their ſucceſſors, or any five or more of them, from any dean, chanter, chancellor, treaſurer, prebendary, or other dignitary, parſon, vicar, or other incumbent

On purchaſe by commiſſioners from any dignitary or incumbent the money lodged with truſtees appointed by them reſpectively with conſent of the dean and chapter or patron,

incumbent of a pariſh, of any houſes, building, or ground to them reſpectively belonging in right of their reſpective dignities or pariſhes, ſuch purchaſe money ſhall be lodged in the hands of one or more truſtee or truſtees, to be appointed by ſuch dignitary, with the conſent of the dean and chapter of which he ſhall be a member, or by ſuch parſon, vicar, or other incumbent, with the conſent of the patron or patrons of ſuch pariſh, in truſt, after deducting all reaſonable coſts and expences which ſhall attend the execution of ſuch truſts, to be laid out by him or them reſpectively, or his or their executors or adminiſtrators, in the purchaſe of lands, tenements, hereditaments, in fee ſimple for the uſe of ſuch dignitary, parſon, vicar, or other incumbent, from whom ſuch purchaſes ſhall be reſpectively made, and his and their reſpective ſucceſſors; any ſtatute of mortmain, or any other law, ſtatute, or uſage to the contrary notwithſtanding.

laid out in purchaſe of lands, &c. in fee for uſe of ſuch dignitary or incumbent and ſucceſſors.

II. Provided always, and be it further enacted by the authority aforeſaid, That after any ſuch purchaſe ſhall be made by any ſuch truſtee or truſtees, or his or their executors or adminiſtrators, it ſhall and may be lawful to and for every ſuch dignitary, in truſt for whom ſuch purchaſe ſhall be made, and his ſucceſſors, with the conſent of the dean and chapter of which he ſhall be a member, and to and for every ſuch parſon, vicar, or other incumbent with a conſent of the patron or patrons of ſuch pariſh, to make one or more leaſe or leaſes of any of the lands, tenements, or hereditaments, which ſhall be ſo purchaſed, for any term of years not exceeding forty years from the time of making thereof, and to renew the ſame from time to time in like manner, and for the like term of years; ſo as that no leſs rent be reſerved to ſuch dignitary or incumbent, or his or their ſucceſſors, out of ſuch lands, tenements, hereditaments, ſo to be purchaſed by ſuch truſtee or truſtees, than was reſerved out of the houſes, buildings, or ground ſo to be purchaſed by the ſaid commiſſioners as aforeſaid; and ſo as that every ſuch leaſe and renewal be regiſtered, in like manner as other the like leaſes made by eccleſiaſtical perſons ought to be regiſtered.

Such dignitary or incumbent impowered with like conſent to leaſe 40 years, and to renew,

ſo as no leſs rent reſerved,

and on regiſtering as other leaſes by eccleſiaſticks.

III. Provided alſo, and be it further enacted by the authority aforeſaid, That in all caſes, where any infant or infants under the age of twenty one years have or hath been or ſhall be ſeized of or intitled unto an eſtate tail in any houſes, buildings, or ground, which have been or ſhall be purchaſed by the ſaid commiſſioners as aforeſaid, the conveyance by bargain and ſale of ſuch houſes, buildings, or ground by the guardian or guardians of ſuch infant or infants to the ſaid commiſſioners,

Conveyance by guardian of infant tenant in tail, acknowledged and inrolled in chancery in 6 months, effectual without fine or recovery,

miſſioners, acknowledged by ſuch guardian or guardians, and inrolled in the rolls office of his Majeſty's high court of chancery in Ireland within ſix months after the making thereof, ſhall effectually and abſolutely convey the fee ſimple of ſuch houſes, buildings, and ground, to the ſaid commiſſioners and their ſucceſſors for ever, though no fine or recovery be levied or ſuffered thereof; and that the money ariſing from ſuch ſale ſhall be paid by the ſaid commiſſioners to ſuch guardian or guardians in truſt (after deducting the coſts and expences as aforeſaid) to be laid out in the purchaſe of lands, tenements, or hereditaments, to ſuch uſes as the premiſſes ſo purchaſed by the ſaid commiſſioners do or ſhall ſtand limited immediately before ſuch bargain and ſale to them.

purchaſe money laid out by guardians in lands, &c. to like uſes.

IV. Provided alſo, That until ſuch purchaſes can be conveniently made by ſuch truſtee or truſtees, or by ſuch guardian or guardians, or his or their executors or adminiſtrators reſpectively as aforeſaid, it ſhall and may be lawful for him, her, or them reſpectively to place out ſuch purchaſe money, or any part thereof, at intereſt upon government ſecurities, and to pay ſuch intereſt from time to time to ſuch perſon or perſons, as would have been entitled by virtue of this act to the yearly profits thereof, in caſe it had been laid out in the purchaſe of lands, tenements, or hereditaments.

With power to lay out in government ſecurities till purchaſe.

V. Provided alſo, and be it enacted by the authority aforeſaid, That the receipt or receipts of ſuch truſtees or truſtee, guardians or guardian, or of the ſurvivors or ſurvivor of them, or of the heirs, executors, or adminiſtrators of ſuch ſurvivor, under his and their hand and ſeal, or hands and ſeals reſpectively, ſhall be from time to time a ſufficient diſcharge or ſufficient diſcharges to the ſaid commiſſioners and their ſucceſſors for ſo much of the ſaid purchaſe money, for which ſuch receipt or receipts ſhall be given; and that after ſuch receipt or receipt ſhall be ſo given, the ſaid commiſſioners and their ſucceſſors be abſolutely acquitted and diſcharged of and from the ſame; and that they or any of them ſhall not be anſwerable or accountable either in law or equity for any loſs or damage for or by reaſon of any miſapplication of the ſaid purchaſe money, or any part thereof.

Receipts of truſtee or guardian under hand and ſeal a ſufficient diſcharge to commiſſioners for purchaſe money.

VI. And be it further enacted by the authority aforeſaid, That the members of Parliament for the city of Dublin, who now are or at any time hereafter may be, ſhall at all times be commiſſioners for carrying the ſaid acts into execution, with all ſuch powers as are given to any commiſſioners by any of the ſaid acts.

Members for Dublin commiſſioners

A. D. 1767.

A publick act as 31 G. 2. 19.

VII. And be it further enacted by the authority aforeſaid, That this act ſhall be declared and deemed a publick act, in like manner as the ſaid firſt recited act hath been declared to be.

CHAP. VIII.

An Act to amend an Act, made the laſt Seſſion of Parliament for the erecting and eſtabliſhing Publick Infirmaries or Hoſpitals in this Kingdom.

5 G. 3. 20. ſ. 3. amended by 13 & 14 G. 3. c. 43. 15 & 16 G. 3. c. 31. ſ. 2. 17 & 18 G. 3. c. 15.

WHEREAS by the ſaid act tenants for life are impowered to make fee farm grants or leaſes in perpetuity of any quantity of ground not exceeding two acres for the purpoſe of erecting a county infirmary or hoſpital, but no proviſion is made by the ſaid act to enable archbiſhops, biſhops, governors of charities, or other corporate bodies, to make leaſes in perpetuity for the ſame purpoſe, which has prevented the erecting of infirmaries in ſeveral places proper for them: be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That it ſhall and may be lawful for every archbiſhop, biſhop, dignitary, prebendary, having lands belonging to ſuch archbiſhop, biſhop, dignitary, prebendary, near any town, and convenient for the ſite of any county infirmary, with the conſent of his dean and chapter under the common ſeal, and for the governors of any charity, being a corporate body, and for all other corporate bodies having lands ſo ſituated, to make leaſes under their corporate ſeals in perpetuity and in reverſion on the expiration of any ſubſiſting leaſe to the reſpective governors of any county infirmary or hoſpital, of any quantity of ground not exceeding two acres, or of one or more houſes contiguous with each other, at a reaſonable rent; which leaſes the ſaid governors are hereby impowered to take reſpectively for the erecting an infirmary or hoſpital for any county, and for converting ſuch houſe or houſes into an infirmary or hoſpital for any county.

dignitary with conſent of dean and chapter, and corporate bodies, may leaſe in perpetuity and in reverſion for county-hoſpital 2 acres or one or more houſes contiguous.

II. And whereas Thomas Wilkins ſurgeon, who ſerved in the ſtation of maſter ſurgeon under the command of Clifton Wintringham, director and phyſician general at the Havannah, and diſcharged his duty with ability, aſſiduity, and integrity, (as the ſaid Clifton Wintringham certifies for him) is now ſettled in the town of Galway, and hath, ſince the county infirmary was opened there, attended gratis, and performed ſeveral operations as ſurgeon with great ſucceſs, but is prevented by the ſtrict letter of the ſaid act from being elected ſurgeon to the ſaid

Thomas Wilkins may be elected as ſurgeon to Galway infirmary or any other.

ſaid infirmary or hoſpital: be it enacted by the authority aforeſaid, That the governors and governeſſes of the ſaid hoſpital and infirmary, or of any other hoſpital or infirmary, may elect, if they ſhall think fit ſo to do, the ſaid Thomas Wilkins as ſurgeon to the ſaid county infirmary, or to any other hoſpital or infirmary.

Phyſician certified by the college of phyſicians.

III. And be it enacted by the authority aforeſaid, That no perſon ſhall be appointed phyſician to any county infirmary, who ſhall not be examined and certified to be duly qualified under the ſeal of the King and Queen's college of phyſicians in Ireland.

Truſtees' for Clare may appoint any place within 3 miles of Ennis.

IV. And whereas the truſtees appointed for regulating the infirmary in the county of Clare, have not yet been able to obtain a proper ſite for the ſaid infirmary, and it is apprehended, that no proper place can be found within the bounds preſcribed by the ſaid act: be it enacted by the authority aforeſaid, That it ſhall and may be lawful for the ſaid truſtees to agree for and appoint any proper place for the ſite of the ſaid infirmary within three miles of the town of Ennis, the ſame being the aſſize town of the ſaid county.

Infirmary for Donegal at Lifford,

V. And whereas by the ſaid act, paſſed the laſt ſeſſion, the infirmary for the county of Donegal was directed to be erected or eſtabliſhed in the town of Letterkenny, which has been found an inconvenient ſituation; and the infirmary of the King's county was eſtabliſhed at Philipſtown, which has alſo been found an inconvenient ſituation: be it enacted by the authority aforeſaid, That the infirmary or hoſpital for the ſaid county of Donegal may be erected or eſtabliſhed in the town of Lifford, being the county town, and more central and convenient to the beſt inhabited part of the ſaid county; and that the infirmary of the King's county may be erected and eſtabliſhed at Tullamore, being a more healthy ſituation.

for King's county at Tullamore.

John Murphy may be elected ſurgeon for Kerry, on certificate of the ſurgeon general and 2 others if required.

VI. And whereas John Murphy of the town of Tralee in the county of Kerry ſurgeon, ſerved ſeveral years on board his Majeſty's fleet, and is from long experience and practice the fitteſt and moſt able in the ſaid county to attend and take care of the infirmary and hoſpital, now erected or hereafter to be erected and eſtabliſhed in the ſaid town of Tralee and county aforeſaid, purſuant to the ſaid act: and whereas the governors and governeſſes thereof, as well as the body of the ſaid county, are unanimouſly deſirous to appoint the ſaid John Murphy to be attending ſurgeon to the ſaid infirmary, but are diſabled from doing ſo by the ſtrict letter of the ſaid act: be it enacted by the authority aforeſaid, That the governors and governeſſes of the ſaid infirmary may elect, if they ſhall think fit ſo to do,

A. D. 1767. the ſaid John Murphy as ſurgeon to the ſaid county infirmary, he producing a certificate from the ſurgeon general in this kingdom, and of two other able ſurgeons, to be appointed by the ſaid ſurgeon general of his the ſaid John Murphy's ability and ſkill in ſurgery, if the ſaid governors and governeſſes of the ſaid infirmary ſhall require the ſame; any thing in the ſaid act contained to the contrary notwithſtanding.

But removeable as by 5 G. 3. 20. ſ. 7. VII. Provided always, That the ſaid John Murphy, if ſo elected, ſhall and may be removeable from the ſaid office in manner as is preſcribed by the ſaid act.

CHAP. IX.

*An Act for explaining and amending an Act, paſſed in the ſecond Year of His Majeſty King George the Firſt, (*entitled, *An Act for the Real Union and Diviſion of Pariſhes) and for other Purpoſes therein mentioned.*

2 G. 1. 14. WHEREAS by an act paſſed in the ſecond year of the reign of King George the firſt, *for the real union and diviſion of pariſhes*, it is enacted, That it ſhall be lawful for the chief governor or governors, and the major part of the privy council of this kingdom, ſix at leaſt conſenting, and with the approbation of the archbiſhop of the province and the biſhop of the dioceſs, certified under their hands and archiepiſcopal and epiſcopal ſeals, and with the conſent of the patrons and incumbents, certified under their hands and ſeals, atteſted by two credible witneſſes ſubſcribing thereunto, to divide old pariſhes, and to ſeparate any pariſh, or part of a pariſh of late united, and to erect ſuch divided pariſhes into new pariſhes with all parochial rights: and whereas ſeveral large pariſhes, which ought to be divided, have had glebe houſes and other improvements made thereon, for which the incumbents have obtained, or are intitled to obtain certificates, and receive payment of a certain proportion of the money expended in building ſuch houſes, or making ſuch improvements, according to the laws now in being for that purpoſe made; provided, that the whole ſum to be certified ſhall not exceed two years income of the benefice, on which ſuch buildings and improvements ſhall be erected and made: and whereas it may be expedient to divide ſome large pariſhes, where houſes have been built, or other improvements made, for which certificates have been obtained or payments made by the incumbent, and it would be unjuſt to deprive the incumbent of the right, which he may have to be repaid ſuch part

of the money expended in ſuch buildings or improvements, or the payments by him on that account made, purſuant to the laws now in being for the encouragement of building houſes and making improvements on glebe lands belonging to the clergy: be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That where any large pariſhes ſhall be divided in manner as in the ſaid act mentioned, and that the incumbent of ſuch divided pariſhes ſhall be intitled to receive any ſum of money from his next ſucceſſor in ſuch pariſh, in caſe the ſame had not been divided, on account of any buildings or improvements made on the glebe of ſuch pariſh, or any money paid by him to his predeceſſor on ſuch account, ſuch incumbent ſhall have and be entitled to receive from his next ſucceſſor in that part of ſuch divided pariſh, on which ſuch buildings and improvements ſhall have been made, as if the ſaid pariſh had not been divided, although the ſum ſo to be paid ſhould exceed one year and a half of the income of that part of the pariſh; and ſuch incumbent, having paid ſuch proportion of the ſaid money, ſhall be intitled to receive ſuch proportion of the money ſo to be paid from his ſucceſſors according to the laws now in being for that purpoſe, in ſuch manner as he ought, in caſe ſuch pariſh had not been divided.

Incumbent of large pariſh divided intitled to receive from ſucceſſor in that part where buildings and improvements as if no diviſion, altho' above 1 year and a half of the income,

ſo of a proportion of money paid.

II. And whereas by ſeveral acts of Parliament the conſent of the incumbent or miniſter, the church-wardens, and proteſtant pariſhioners in veſtry aſſembled, is required to be had for the ſeveral purpoſes in ſuch acts mentioned: and whereas the incumbents or miniſters may often through infirmities or others cauſes be abſent, and not attend at ſuch veſtries; and a doubt may ariſe, whether the conſent of the curate aſſiſtant, or other licenſed miniſter, who ſhall be preſent at ſuch veſtry, and officiate thereat in the place and ſtead of ſuch incumbent, is ſufficient within the intent and meaning of the ſaid acts: be it enacted by the authority aforeſaid, That in all caſes where the conſent of the incumbent or miniſter, church-wardens and proteſtant inhabitants, in veſtry aſſembled, or the major part of them, is or ſhall be required by any law heretofore made, or that ſhall hereafter be made, in the abſence of the incumbent where ſuch veſtry has been held, or ſhall be held, by the curate aſſiſtant, or other licenſed miniſter, who ſhall officiate, and hold ſuch veſtry, in the place and ſtead of ſuch abſent incumbent, ſuch acts of veſtry ſhall be as good and effectual in law, as if the incumbent had been preſent at ſuch act of veſtry.

Wherever conſent of miniſter in veſtry required, acts of veſtry held by the curate or licenced miniſter in abſence of the incumbent effectual.

A. D. 1767. Chap. 9.

III. And whereas by one other act paſſed in this kingdom in the twelfth year of the reign of his ſaid late Majeſty King George the firſt, entitled, *An act to encourage building of houſes, and making other improvements on church lands, and to prevent dilapidations*, it is amongſt other things enacted, That it ſhall and may be lawful for the chief governor or governors of this kingdom, and for every archbiſhop and biſhop reſpectively, to grant any commiſſion to two or more perſons to view and examine the houſes and improvements made on church lands, to be made by virtue of this or the former act, and to adminiſter an oath to the commiſſioners ſo to be appointed to return a faithful account and eſtimate of the ſaid buildings and improvements according to the beſt of their ſkill and knowledge: and whereas the uſual practice has been to inſert a clauſe in ſuch commiſſions, authorizing a perſon or perſons therein named to adminiſter ſuch oath to ſuch commiſſioners; and a doubt has ariſen, whether ſuch oaths, adminiſtered by the perſons ſo authorized by the ſaid commiſſions, can be or have been duly and legally adminiſtered by virtue of the ſaid act: to remove which doubt be it enacted by the authority aforeſaid, That it ſhall and may be lawful for the chief governor or governors of this kingdom, and for every archbiſhop and biſhop reſpectively, to authorize and impower one or more perſons to be named in ſuch commiſſions, or any one of them, to adminiſter ſuch oath as in and by the ſaid act is required, to the commiſſioners ſo to be appointed; and all ſuch oaths as ſhall be ſo adminiſtered, and alſo ſuch oaths as have been heretofore adminiſtered by any perſons heretofore authorized and appointed by any ſuch commiſſion, ſhall be deemed and adjudged to be and to have been duly adminiſtered.

12 G. 1. 10. *ſec.* 9. 10 *Wil.* 3 6. C. governors and biſhops may impower one or more perſons, named in commiſſions to examine improvements on church-lands purſuant to 12 *G.* 1. 10. *ſec.* 9. to adminiſter oath to commiſſioners.

Dilapidations.

IV. And whereas it is further provided by the ſaid ſtatute, That where any archbiſhop, biſhop, or other eccleſiaſtical perſon, ſhall demand payment for any buildings or other improvements by virtue of any certificate granted, that upon complaint of the ſucceſſors of dilapidations in the houſes, out-houſes, or improvements, a commiſſion ſhall be granted in the manner and with the powers before mentioned, and the commiſſioners ſhall return a juſt report of the ſame to the chief governor or governors, archbiſhop or biſhop, reſpectively, who upon hearing the alligations of each party ſhall aſcertain ſuch ſums, as they ſhall judge reaſonable to be allowed for ſuch dilapidations: and whereas the ſaid proviſion extends only to the caſes, where the perſon, who has obtained ſuch certificate, ſuffers ſuch dilapidations; and it would contribute much to the preſervation of the buildings and other improvements on demeſne

demeſne lands and the glebes of the clergy, if the ſaid proviſions were extended to all caſes, where any archbiſhop, biſhop, or other eccleſiaſtical perſon, ſhall have a right to charge his ſucceſſors by virtue of the ſaid act, or any former act, with the payment of any money on account of any payments made by him to his predeceſſors, for buildings or other improvements, certified as is before mentioned: be it enacted by the authority aforeſaid, That upon any complaint made of dilapidations to the ſaid chief governor or governors, or any archbiſhop or biſhop, by the ſucceſſor chargeable with ſuch payments, it ſhall and may be lawful for the ſaid chief governor or governors, or ſuch archbiſhop or biſhop, to iſſue ſuch commiſſion or commiſſions with ſuch powers and authorities, as in the ſaid act are mentioned; and upon the return of ſuch commiſſions and hearing the alligations of each party, to aſcertain ſuch ſum as they ſhall adjudge reaſonable to be allowed for ſuch dilapidations; which ſhall be deducted out of the ſum payable by ſuch ſucceſſor, and ſhall by them be laid out in repairing ſuch buildings and improvements, as in and by the ſaid former act is directed.

on complaint of dilapidations by ſucceſſors, chargeable with payments to predeceſſors, ſuch commiſſions as in 12 *G.* 1. 10. *ſec.* 9. may iſſue,

and the ſum aſcertained, deducted, and laid out in improvements, as by ſaid act.

V. And be it further enacted by the authority aforeſaid, That in all caſes whatſoever, where any biſhop or other eccleſiaſtical perſon ſhall ſuffer any dilapidations in the buildings or improvements on their demeſne or glebe lands, it ſhall be lawful for the archbiſhop of the province in the caſe of a biſhop, or for the biſhop in the caſe of any other eccleſiaſtical perſon in his dioceſe, to iſſue ſuch commiſſions, with ſuch powers and authorities, and to aſcertain ſuch ſums, as ſhall be judged reaſonable to be expended or allowed for the repair of ſuch dilapidations, in ſuch manner as is preſcribed by the ſaid act, and to enforce the payment of ſuch ſums, as ſhall be ſo aſcertained, in ſuch manner, as by the laws now in being the ſums adjudged to be paid or allowed for dilapidations are recoverable.

The archbiſhop in caſe of a biſhop, or the biſhop in caſe of other eccleſiaſtick, may iſſue commiſſion, and aſcertain ſums for repair of dilapidation, as by 12 *G.* 1. 10. and inforce payment as by the laws now in being.

A. D. 1767.

CHAP. X.

An Act to explain and amend an Act, entitled, an Act for repairing the Roads, leading from the City of Cork through Mill-ſtreet to Shannah Mill in the County of Kerry, and from Shannah Mill to Killarny, as alſo from Shannah Mill through Caſtle-iſland to Liſtowell in the ſaid County; and for laying an additional Toll at all Turnpikes in this Kingdom on all Cars and Carriages making uſe of any Part of any Sapling or Trees as or for a Bow or Back Band, or making uſe of any Sapling twiſted into Gads for Back Bands, Halters, Traces to draw by, or Gads commonly called long Gads.

21 G. 2. 13. recited.

WHEREAS by an act paſſed in the twenty firſt year of the reign of his late Majeſty King George the ſecond, entitled, *An act for repairing the roads, leading from the city of Cork through Mill-ſtreet to Shannah mill in the county of Kerry, and from Shannah mill to Killarney, as alſo from Shannah mill through Caſtle-iſland to Liſtowell, in the ſaid county, and for other purpoſes therein mentioned,* Aghanebee is declared to be the bounds of the liberties of the city of Cork: and whereas eleven or more of the truſtees by the ſaid act nominated and appointed, or ſuch perſon or perſons as they or any eleven or more of them ſhall authorize and appoint, are thereby empowered to erect or cauſe to be erected one or more gate or gates, turnpike or turnpikes, toll houſe or toll houſes, in, upon, or acroſs any part or parts of ſaid highways or roads, and alſo a toll houſe and turnpike to be erected and fixed at Aghanebee aforeſaid, not to be ſet up or erected within the liberties of the city of Cork, but without the ſame, there to remain during the continuance of the ſaid act: and whereas John Morphy, in the ſaid act mentioned, did under the authority and appointment of the ſaid truſtees in purſuance of the act aforeſaid erect in the year one thouſand ſeven hundred and forty eight a toll houſe and turnpike gate on the north weſt ſide of Aghanebee aforeſaid, and hath continued until very lately in the quiet and uninterrupted poſſeſſion of the ſaid toll houſe and turnpike gate: and whereas ſome doubts have lately ariſen, and are now conceived, whether the bounds of the liberties of the city of Cork may not extend to ſome ſmall diſtance farther than Aghanebee aforeſaid: and whereas the ſaid John Morphy hath expended a conſiderable ſum of money (more than the tolls are ſufficient to reimburſe him) in diſcharge of the expence incurred in obtaining the ſaid act, and

in executing the ſaid hazardous and difficult undertaking, conducted through a long tract of mountainous country: be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid recited act, and all and every the powers and authorities, articles, rules, penalties, and clauſes therein contained (except ſo much thereof as is hereby altered) ſhall be of full force and effect, and ſhall continue to be executed during the remainder of the term in the ſaid act mentioned, as if the ſame powers and authorities, granted and given by the ſaid act, were herein again repeated and re-enacted in the body of this preſent act; any thing in the ſaid former act contained to the contrary notwithſtanding.

21 G. 2. 13. in force during reſidue of the term, ſave as hereby altered.

II. And be it enacted by the authority aforeſaid, That the ſaid toll houſe and turnpike gate, ſo erected by the ſaid John Morphy at Aghanebee aforeſaid, ſhall be deemed and conſidered as a lawful toll houſe and turnpike gate erected purſuant to the appointment of the truſtees of the ſaid act, and conſtrued ſo to be, according to the true intent and meaning of the ſaid act, whether the bounds of the liberties of the city of Cork ſhall appear to be at Aghanebee aforeſaid, or to extend ſomewhat farther; any thing in the ſaid act to the contrary notwithſtanding.

Turnpike at Aghanebeee a lawful turnpike, whether the bounds of Cork liberties extend further or not.

III. Provided nevertheleſs, That no toll houſe or turnpike gate ſhall be erected in, acroſs, or on the ſide of the ſaid road between Aghanebee aforeſaid and the ſaid city of Cork.

But no gate between it and Cork.

IV. And whereas the ſaid road, ſo undertaken and made by the ſaid John Morphy, is of great extent, being upwards of fifty ſix miles; and it being found by experience that the tolls now paid will not produce a fund ſufficient for amending and keeping the ſaid road in proper repair: be it farther enacted by the authority aforeſaid, That a toll houſe, turnpike gate, and ſide gates, ſhall be erected at Mill-ſtreet aforeſaid, and there at the ſaid gate and ſide gates ſo to be erected, the like tolls ſhall be received and taken, and in ſuch manner ſhall be levied, applied, and diſpoſed of, as in and by the ſaid former act is mentioned and directed, over and above the tolls mentioned in the ſaid recited act, any thing therein contained to the contrary notwithſtanding.

Turnpike at Millſtreet, and like toll.

V. And whereas by the ſaid recited act it is made neceſſary, that eleven truſtees at the leaſt ſhould meet for the purpoſes of electing new truſtees, and of auditing and ſtating the ſeveral and reſpective accounts of the ſaid John Morphy, his executors, adminiſtrators, and aſſigns, and all and every the re-

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ceiver or receivers of the ſeveral tolls and duties paid by the ſaid act: and whereas it is found difficult to aſſemble ſuch a number: be it enacted by the authority aforeſaid, That ſeven truſtees ſhall be a ſufficient number; and that from and after the firſt day of May, one thouſand ſeven hundred and ſixty eight, ſeven truſtees ſhall be veſted with the ſame powers, and their acts ſhall be as valid and binding, as the acts of the ſaid eleven are at preſent under the ſaid recited act, any thing therein contained to the contrary notwithſtanding.

7 truſtees may act inſtead of 11 as by 21 G. 2. 13. *ſec.* 2.

VI. And be it farther enacted by the authority aforeſaid, That this preſent act ſhall be deemed, adjudged, and taken to be, a publick act, and ſhall be judicially taken notice of as ſuch by all judges, juſtices, and all other perſons whatſoever without ſpecially pleading the ſame.

A publick act.

CHAP. XI.

An Act for making and repairing the Road from the Town of Liſtowell in the County of Kerry through the Lands of Liſtowell, Drumin, Skehanireen, Bunegarah, Killmeany, Curraghpholig, Knockenure, Liſſeniſky, and Binanaſpig, in the County of Kerry; Atea, Taumpleatlea, Glanagour, Knockfiniſk, Carrigkeery, Glanduff, Glaunaſtare, Ballylyne, Ardagh Commons, Ardagh Town, Liſhilleen, otherwiſe Liſhireen, Skehana, Killſcannell, and Reens, in the County of Limerick, ending at the Forge on the ſaid Lands of Reens, at the Turn of the Road leading to Newcaſtle from Rathkeale in the ſaid County of Limerick.

Tolls continued 81 years from 1 May, 1774. by 13 & 14 G. 3. 31. ſ. 1.

WHEREAS the highway or road leading from the town of Liſtowell in the county of Kerry through the lands of Liſtowell, Drumin, Skehanireen, Bunegarrah, Killmeany, Curraghpholig, Knockenure, Liſſiniſky, and Brinanaſpig, in the county of Kerry, Atea, Taumpleatlea, Glanagour, Knockfiniſk, Carrigkeery, Glanduff, Glaunaſtare, Ballyline, Ardagh commons, Ardagh town, Liſhilleen, otherwiſe Liſhireen, Skehana, Killſcannell, and Reens, in the county of Limerick, ending at the forge on the ſaid lands of Reens, at the turn of the road leading to Newcaſtle from Rathkeale in the ſaid county of Limerick, by reaſon of the ſeveral hollow ways and the many and heavy carriages frequently paſſing through the ſame are become ſo ruinous and bad, that in the winter ſeaſon many parts thereof are impaſſable for waggons, carts, cars, and carriages, and very dangerous for travellers, and cannot by the ordinary courſe appointed by the laws and ſtatutes of this realm be effectually amended and kept in good and ſufficient repair: wherefore, and

to

to the intent that the ſaid highways and roads may with convenient ſpeed be effectually amended, and hereafter kept in good and ſufficient repair, ſo that all perſons may travel through the ſame with ſafety, be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That for the better ordering, amending, and keeping in repair, the ſaid highway or road, it ſhall be in the power of the right honourable Francis Thomas earl of Kerry, the right honourable William earl of Shelburne, the right honourable John earl of Wandesford, the right honourable Thomas lord baron Southwell, the right honourable William lord baron of Branden, right honourable George lord baron of Carbery, right reverend James biſhop of Limerick, honourable Thomas Fitzmaurice, honourable Thomas Southwell, honourable John Croſbie, honourable and reverend Maurice Croſbie, ſir Robert Deane baronet, Lancelot Croſbie eſquire, Maurice Fitzgerald eſquire, Robert Fitzgerald eſquire, Barry Denny eſquire, Edward Denny eſquire, Maurice Copinger eſquire, Rowland Bateman eſquire, Anthony Stoughton eſquire, Pierce Croſbie eſquire, Francis Croſbie eſquire, Thomas Mullins eſquire, James Ponſonby eſquire, Richard Chute eſquire, William Gun of Rattoo eſquire, George Gun eſquire, James Raymond eſquire, reverend John Day, reverend Henry Gun, reverend Edward Day, John Hewſon eſquire, reverend Francis Hewſon, Colthurſt Bateman eſquire, Richard Morris, eſquire, Thomas Rice Stephen eſquire, Samuel Morris eſquire, George Morris eſquire, John Sandes eſquire, Anſelm Taylor eſquire, reverend Chriſtopher Julian, William Gun of Killmeany eſquire, Robert Gregory eſquire, Francis Meade gentleman, James Shewell, Silver Oliver eſquire, reverend John Oliver, John Browne eſquire, Widenham Quin eſquire, John Maſſey eſquire, Maurice Studdert eſquire, John White eſquire, George Roſe eſquire, William Talbot the elder, William Talbot the younger, Edward Taylor eſquire, Robert Hewſon eſquire, reverend Henry Collis, Richard Yielding of Rathkeale eſquire, James Weir gentleman, who are hereby nominated and appointed truſtees for the ſaid road, and the ſurvivors of them, or any five or more of them, or ſuch perſon or perſons as they or any five or more of them ſhall authorize and appoint, to erect, or cauſe to be erected one or more gate or gates, turnpike or turnpikes, in, upon, or croſs any part or parts of the ſaid highway and road, and alſo a toll houſe or toll houſes, and there to receive the tolls and duties following, before any horſe, mare, or gelding, aſs, or mule, cattle, coach, berlin, chariot, calaſh, chaiſe, or chair, waggon,

Truſtees named,

any 5 may erect turnpikes,

and take toll,

A. D. 1767. Chap. 11.

waggon, wain, cart, carr, or other carriage, ſhall be permitted to paſs through the ſame, (that is to ſay) for every coach, berlin, chariot, calaſh, chaiſe, or chair, drawn by ſix horſes, geldings, or mares, the ſum of one ſhilling and ſix pence; and for every coach, berlin, chariot, calaſh, chaiſe, or chair, drawn by any leſſer number of horſes, geldings, or mares, than ſix, and more than two, one ſhilling; for every coach, berlin, chariot, calaſh, chaiſe, or chair, drawn with two horſes, geldings, or mares, four pence; for every waggon, wain, or carr, with two wheels, drawn by more than two horſes, mares, geldings, or oxen, the ſum of two ſhillings and ſix pence; for every cart, waggon, or carr, drawn with two horſes, geldings, or mares, the ſum of four pence; for every carriage, commonly called a chair or chaiſe, with one horſe, mare, or gelding, the ſum of three pence; for every carr, or other carriage, drawn but by one horſe, mare, gelding, mule or ox, the ſum of two pence (excepting carrs and horſes laden with turf;) for every other horſe, mare, gelding, mule or aſs, laden or unladen, and not drawing, one penny half penny; for every drove of oxen, cows, or neat cattle, the ſum of one ſhilling and eight pence *per* ſcore, and ſo in proportion for any greater or leſſer number; for every drove of calves, hoggs, ſheep, or lambs, the ſum of five pence *per* ſcore, and ſo in proportion for any greater or leſſer number; which ſaid reſpective ſum or ſums of money ſhall be demanded and taken in the name of or as a toll or duty; and the money ſo to be raiſed as aforeſaid is and ſhall be hereby veſted in the ſaid truſtees; and the ſame, and every part thereof, ſhall be paid, applied, and diſpoſed of, and aſſigned to and for the ſeveral uſes, intents, and purpoſes, and in ſuch manner, as is herein after mentioned and directed; and the ſaid truſtees, or any five or more of them, may hereby be impowered by themſelves, or any perſon or perſons by them, or any five or more of them, under their hands and ſeals thereunto authorized, to levy the toll or duty hereby required to be paid upon any perſon or perſons, who ſhall after demand made thereof neglect or refuſe to pay the ſame, by diſtreſs of any horſe or horſes, or other cattle or goods, upon which ſuch toll or duty is by this act to be impoſed, or upon any of the goods and chattles of ſuch perſon or perſons who ought to pay the ſame, and may detain and keep the ſame, till ſuch toll or duty with the reaſonable charges of ſuch diſtraining or keeping ſhall be paid; and that it ſhall and may be lawful to and for the perſon or perſons ſo diſtraining, after the ſpace of five days from the time that ſuch diſtreſs is made and taken, to ſell the goods diſtrained, returning the overplus (if any be) upon demand to the owner thereof, after

a coach, &c. and 6 horſes, 1s. & 6d; above 2, 1s; with 2, 4d.

2 wheeled waggons, &c. and above 2, horſes, 2s. and 6d; with 2, 4d.

1 horſe chaiſe, 3d; carr, 2d; turf excepted,

a horſe, 1d. ½.

oxen 1s. and 8d. *per* ſcore; calves, &c. 5d.

toll veſted in truſtees,

levied by diſtreſs on refuſal,

and ſale after 5 days.

such toll, duty, or reasonable charges for distraining and keeping the same shall be paid.

Expences first paid.

II. And be it enacted by the authority aforesaid, That out of the first money arising from the profits of the several turnpikes to be erected by virtue of this act the said trustees, or any five or more of them, shall first pay and discharge the expence of procuring this act, and erecting such turnpikes, and building such toll house or toll houses; and from and after such charges and expences shall be fully satisfied and paid, that then and from thenceforth the profits arising, and the money to be collected at any turnpike or turnpikes to be erected and set up on the said road, leading from the town of Listowell in the county of Kerry through the said lands to the town of Ardagh in the county of Limerick, and from thence to the town of Rathkeale aforesaid in the said county of Limerick, shall be applied for and towards the repair of the said road.

then to repair the road.

Tickets delivered at each gate,

III. And be it enacted by the authority aforesaid, That each and every gate keeper on the said road shall deliver written or printed ticket or tickets, expressing the day of the month, the respective tolls or duties that shall be paid to him by any person or persons pursuant to this act; which ticket or tickets shall be taken and accepted of at all and every other gate on the said road, and shall remain in force for the same day in passing and repassing the said several gates.

taken at every other,

in force the same day.

Permitting passage to avoid toll, penalty 10s. before 5 trustees or a justice.

IV. And be it enacted by the authority aforesaid, That if any person or persons whatsoever owning, renting, or occupying any land near unto any turnpike to be erected in pursuance of this act shall for gain, reward, or otherwise permit any person or persons whatsoever to pass through any gate, passage, or way, with any coach or carriage whatsoever, horse, horseman, mare, ass, mule, or any sort of cattle, to avoid the payment of the toll hereby appointed to be paid, and shall be thereof convicted upon the oath of one or more witness or witnesses before the said trustees, any five or more of them, who are hereby empowered to administer such oath, or before any one justice of the peace of the county where such offence is committed, such person or persons shall forfeit and pay to the said trustees, authorized to put the said act in force, the sum of ten shillings, to be levied by distress and seal of the offenders goods by warrant under the hand and seal of such justice of the peace, or under the hands and seals of the said trustees, any five or more of them, rendering the overplus (if any there be) the charges in taking and disposing of the said goods being first deducted.

Side gates,

V. And be it enacted by the authority aforesaid, That it may be lawful to and for the said trustees, or any five or more of

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them, or for any perſon or perſons by them authorized, to erect or cauſe to be erected one or more gate or gates, turnpike or turnpikes, on the ſide of the ſaid highway or road croſs any lane, or way leading out of the ſaid road, and to build one or more toll houſe or toll houſes, to take and receive the tolls and duties payable hereby; ſo as the ſame do not amount to a double charge in caſe of paſſing the ſame day through any of the other turnpikes ſo erected by virtue of this act.

ſo as no double toll.

5 truſtees at meeting to elect receivers, ſupervifors, and treaſurer,

VI. And be it enacted by the authority aforeſaid, That the ſaid truſtees, or any five or more of them, may at their firſt or any ſubſequent meeting by writing under their hands and ſeals elect and appoint one or more collector or collectors, receiver or receivers, of the ſaid tolls, and alſo one or more fit perſon or perſons to be ſuperviſor or ſuperviſors clerk of the ſaid road, and treaſurer, to ſee the condition of the ſaid road, and to ſee the ſame be repaired and amended, and to receive the ſums collected by the ſeveral gate keepers, and to account with the ſaid truſtees as often as thereunto required, with full power to the ſaid truſtees, or any five or more of them, to remove ſuch collector or collectors, ſuperviſor or ſuperviſors, clerk, or treaſurer, or any or either of them, as they ſhall ſee occaſion, and appoint new ones in caſe of death or of ſuch removal; which ſaid receiver or receivers, collector or collectors, are at leaſt once in every month, or oftner if required, to give in to the ſaid truſtees on oath, to be by the ſaid truſtees, or any five or more of them, adminiſtered, and who have hereby power to adminiſter ſuch oath, a perfect and true account in writing, under their reſpective hands of all money, which he and they, and every and any of them, or any perſon employed by them or any of them, ſhall to ſuch time have paid, received, and diſburſed by reaſon of their ſeveral offices, and to pay over to the ſaid truſtees, their order, or treaſurer, what ſurplus ſhall remain in his or their hands at the time of delivering in ſuch account, which ſum ſhall be diſburſed and laid out, or ſo much thereof as ſhall be neceſſary, in amending the ſaid highway or road; and that the ſaid truſtees, or any five or more of them, to whom ſuch account ſhall be given, ſhall and may out of the money ariſing out of ſuch toll or duty make ſuch allowance to the ſaid receiver or receivers, collector or collectors, ſurveyor and ſurveyors, clerk, and treaſurer, for and in conſideration of his and their care and trouble reſpectively taken in the execution of his and their office and offices, and to ſuch other perſon and perſons, who have been or ſhall be aſſiſting in and about procuring the ſaid highways and roads to be amended and repaired by advancing and laying out any money, or otherwiſe relating thereunto,

to account as often as required,

remove and appoint others,

account once a month at leaſt on oath, and payment of ſurplus,

to be laid out on the road,

thereunto, as to them ſhall ſeem good; ſo as ſuch allowances to ſuch collector or collectors do not annually exceed twenty pounds a year; and to ſuch ſurveyor or ſurveyors any ſum not exceeding two ſhillings a day, during ſuch time as he or they ſhall be ſo employed in repairing the ſaid road; and ſo as ſuch allowance to ſuch clerk or treaſurer ſhall not exceed thirty pounds a year; and in caſe the ſaid receiver or receivers, collector or collectors, ſhall not make ſuch account and payment as aforeſaid according to the direction of the ſaid truſtees as aforeſaid, on ſuch and every ſuch default and conviction thereof before the ſaid truſtees, or before any juſtice of the peace of the county where ſuch offence is committed, ſuch offender ſhall be committed to the common gaol of the county, where ſuch offence is committed, there to remain without bail or mainprize until he or they ſhall have made true and perfect account and payment as aforeſaid.

allowance to collectors not above 20l. yearly,

Surveyors 2s. a day while employed,

Clerk or treaſurer 30l. a year,

on default of account and payment impriſoned till performance.

VII. And be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſurveyor or ſurveyors, and ſuch perſon or perſons as he and they ſhall appoint, to dig, raiſe, gather, take, and carry away any gravel, furze, ſand, ſtones, or other materials out of any waſte or commons of any pariſh, town, village, or hamlet, in or near where founderous or ruinous places of the ſaid highway or road do lie; and for the want of ſufficient gravel, furze, ſand, ſtones, and other materials there to dig, gather, raiſe, take, and carry away the ſame out of any waſte or common of any neighbouring pariſh, town, village or hamlet without paying any thing for the ſame; and where there is not ſufficient of any ſuch materials in any common or waſte ground adjoining, it ſhall then be lawful for them by order of the ſaid truſtees, or any five or more of them, to dig, raiſe, and gather the ſame in the ſeveral grounds of any perſon or perſons, not being a garden, orchard, yard, or meadow, planted walk, or avenue to a houſe, where ſuch materials are or may be found, and from time to time to carry ſuch and ſo much thereof, as the ſaid ſurveyor or ſurveyors ſhall adjudge neceſſary for making, amending, and repairing the ſaid highway or road, paying ſuch rates for ſuch materials to the owner or occupier of the ground, from whence the ſame ſhall be digged, raiſed, and carried away, as the ſaid truſtees ſo appointed, or any five of them, ſhall adjudge reaſonable; and in caſe of any difference between ſuch owner and occupier and the ſaid truſtees the ſheriff of the ſaid county, where ſuch materials are digged and carried away, ſhall ſummon a jury of twelve freeholders of the ſaid county to appear before the ſaid truſtees at the day and at the

Materials raiſed in neighbouring waſte,

for want thereof in any other grounds, ſave gardens, &c. paying as adjudged by 5 truſtees,

if any difference, ſettled by a jury.

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place, they ſhall appoint, who ſhall be ſworn, and ſhall on evidence offered by the parties finally adjudge and aſſeſs the ſame.

Annoyances removed on neglect of owner after 10 days notice in writing, and the charge levied.

VIII. And be it enacted by the authority aforeſaid, That it ſhall and may be lawful for the ſaid ſurveyor and ſurveyors, and ſuch perſon or perſons as they ſhall appoint, from time to time to remove and prevent annoyances on any part of the ſaid highway or road by filth, dung, water-courſes, or drains running into the ſaid road, and to cleanſe ditches, water-courſes, and to lop hedges, trees and buſhes growing on the ſaid high road, and to take and carry away the ſame, the owner or occupier neglecting to cut down ſuch trees or buſhes, or to remove ſuch other annoyances, for the ſpace of ten days after notice in writing given for that purpoſe under the hands of five of the ſaid truſtees: the charge thereof to be reimburſed the ſaid ſurveyor or ſurveyors by ſuch occupier or occupiers neglecting to cut down the ſaid trees and buſhes, and removing the ſaid annoyances as aforeſaid.

Surveyors by order of 5 truſtees may make cauſeways, drains, and arches,

and widen the road,

IX. And be it enacted by the authority aforeſaid, That it ſhall and may be lawful, to and for the ſaid ſurveyor or ſurveyors by order of the ſaid truſtees, or any five or more of them, to make or cauſe to be made cauſeways, and to cut and make drains, through any grounds lying contiguous to the ſaid road; and to erect arches of ſtone, brick, or timber thereon; and alſo to widen any of the narrow parts of the ſaid road by laying into the ſaid road any parts of the adjacent ground, as they ſhall judge proper; and to cauſe ditches and drains to be raiſed and made, where the ſaid truſtees, or any five of them, ſhall judge proper for the better making, mending, and repairing the ſaid road; and if any owner or occupier of any water courſe, ditch, or ditches, adjoining to the ſaid highway, ſhall refuſe to ſcour or cleanſe the ſame, ſuch ſurveyor or ſurveyors ſhall, after ten days notice ſhall be given for that purpoſe by ſuch ſurveyor or ſurveyors to ſuch owner or owners, it ſhall and may be lawful to and for the ſurveyor and ſurveyors, to ſet any man or men at work to ſcour, cleanſe, and make the ſame, and by warrants in writing under the hands and ſeals of any five or more of the ſaid truſtees to levy the charge thereof upon the perſons, goods, or eſtates of the owner or occupier of ſuch water courſe, ditch, or ditches, by diſtreſs and ſale of his, her, or their goods and chattles, returning the overplus, if any, to the ſaid owner or occupier after all charges paid.

and cleanſe ditches, &c. on neglect after 10 days notice in writing, and levy the charge.

11 truſtees may ſet apart land contiguous to carry the road ſtraight.

X. And whereas the ſaid high road, leading from the town of Liſtowell aforeſaid to the town of Ardagh, and from thence to and towards the town of Rathkeale, may be conſiderably ſhortened and made much more convenient for travellers, if the

ſame

ſame was carried ſtraight and in a direct line, where the ſame is now crooked: for remedy whereof, and that all juſt and reaſonable ſatisfaction for the land made uſe of in carrying ſuch road ſtraight, where it interferes with any incloſure, or that any occupier or occupiers of lands is or may be aggrieved or injured thereby, be it enacted by the authority aforeſaid, that it ſhall and may be lawful to and for the ſaid truſtees, or any eleven or more of them, to aſcertain, deſcribe, and ſet apart ſuch part or proportion of the land adjoining or contiguous to the ſaid highway or road, or which otherwiſe lies moſt convenient for carrying on the ſaid road or highway ſtraight and in direct lines, as the ſaid truſtees, or any eleven or more of them, ſhall judge neceſſary for the purpoſe aforeſaid; who are alſo hereby empowered to treat and agree with the owners and perſons intereſted in the ſaid ground for ſuch recompence and ſatisfaction to be made for the ſame out of the tolls and duties to ariſe out of the ſaid road, as the ſaid truſtees, or any eleven or more of them, ſhall think fit and reaſonable; and in caſe of a diſagreement, and that ſuch perſon or perſons cannot through diſability by nonage, overture, or limitation in any ſettlement, or by reaſon of any other impediment, or however refuſes or refuſe to diſpoſe of his, her, or their intereſt in ſuch land, as the ſaid truſtees, or any eleven or more of them, ſhall think convenient for ſhortening the ſaid road, that the ſaid truſtees, or any eleven or more of them, ſhall by the ſaid act be authorized and empowered to iſſue forth their warrant or warrants to the ſheriff of the county, where ſuch ground lies, to impannell and return before the ſaid truſtees, or any eleven or more of them, at ſuch time and place within the ſaid county, as ſhall be appointed in ſuch warrant or warrants, a ſufficient jury, who on their oaths, which oath the truſtees are hereby empowered and directed to adminiſter, ſhall enquire into the true and real value of ſuch ground to be made uſe of for the ſaid highway; and that ſuch verdict and inquiſition, as ſhall be ſo found and returned by the ſaid jury aſcertaining the value of ſuch ground, ſhall be final and concluſive to all parties.

and treat with owners for recompence,

on refuſal or diſability ſettled by jury.

XI. And foraſmuch as the money to be collected by ſuch receipt of the ſaid tolls will not be ſufficient for making or repairing the ſaid road in any reaſonable time: be it enacted by the authority aforeſaid, That the ſaid truſtees, or any twelve or more of them, ſhall, or may, and ſhall be hereby empowered, from time to time by writing under their hands and ſeals to aſſign over in mortgage the ſaid tolls or duties hereby granted, or any part thereof, for any term or time during the continuance of this act as a ſecurity for any ſum or ſums of money, by them to be borrowed

12 truſtees may borrow on mortgage of the toll, to repair the road, and build bridges.

borrowed for that purpoſe, to the perſon or perſons or his or their truſtees, who ſhall advance and lend the ſame, to ſecure the repayment thereof with lawful intereſt, or leſs if the ſame can be had; which ſaid money to be borrowed ſhall be applied and diſpoſed of to amend and repair the ſaid road, and to build bridges where neceſſary, and for no other purpoſe.

Warrants by 5 truſtees to treaſurer to pay intereſt,

XII. And be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid truſtees, or any five or more of them, from time to time during the continuance of this act to make out warrants or orders in writing under their hands directed to the treaſurer or receiver of the ſaid tolls, requiring him to pay thereout to the perſon or perſons mentioned in ſuch warrant or order the growing intereſt of the ſum mentioned in ſuch order, as the ſame ſhall from time to time become and grow due, until the principal in ſuch order mentioned ſhall be diſcharged in one entire payment: provided ſuch warrant to be iſſued to ſuch treaſurer does not exceed forty pounds.

not above 40l.

Transferable by indorſement,

XIII. And be it enacted by the authority aforeſaid, That all perſon and perſons, to whom ſuch warrant or order ſhall be given, his, her, or their executors or adminiſtrators, may by indorſements on ſuch warrants or orders tranſfer their right and benefit of the ſum mentioned in ſuch order or warrant; which indorſements upon notice to the treaſurer or receiver of the ſaid tolls, and an entry and memorandum made thereof in a book to be kept for that purpoſe, which book the ſaid treaſurer or receiver is to make without charge, fee, or reward, and which ſhall be always upon requeſt open for inſpection without fee or reward, ſhall entitle the endorſee, his or her executors, adminiſtrators, or aſſigns, to the ſole benefit of the ſum ſo tranſferred or aſſigned; and that the ſaid warrant or order may in like manner be aſſigned or tranſferred by ſuch aſſignee, his or her executors or adminiſtrators, and ſo *toties quoties*.

on notice and entry thereof, viewed without fee.

Orders numbered.

XIV. And be it enacted by the authority aforeſaid, That the treaſurer or receiver of the ſaid tolls ſhall arithmetically number all the warrants or orders, that ſhall be given out for the purpoſes aforeſaid.

Tolls applied to pay intereſt of ſums borrowed, and repairs, ſurplus to principal, as by 5 truſtees directed.

XV. And be it enacted by the authority aforeſaid, That the ſeveral tolls and duties to be made payable by this act ſhall be applied and paid to the diſcharge of the intereſt of ſo much money, as ſhall be borrowed as aforeſaid, and towards repairing and making the ſaid road; and that the ſurplus, if any, ſhall be applied in diſcharge of the principal ſum or ſums to be borrowed

in

in ſuch proportion and in ſuch manner, as the ſaid truſtees, or any five or more of them, ſhall direct and appoint.

Toll only at 1 gate, producing ticket, and once a day.

XVI. Provided always, and be it enacted by the authority aforeſaid, That in caſe there be more than one turnpike or gate in, croſs, or on the ſide of the ſaid road, no perſon or perſons, having paid the ſaid toll or duty as herein before directed at the firſt gate or turnpike, through which ſuch perſon or perſons ſhall paſs, and producing a note or ticket that the ſaid toll or duty was paid, which note or ticket is to be delivered *gratis*, ſhall be liable to pay any toll or duty at any other of the ſaid gates, ſuch perſon or perſons delivering the ſaid note or ticket to the receiver or collector at the ſaid gate the ſame day; and no perſon having occaſion to paſs the place or places where the toll or duty is taken, who ſhall return the ſame day upon the ſame horſe, mare, or gelding, aſs, mule, cattle, coach, berlin, or other carriage, ſhall be liable or compellable the ſame day to pay the ſaid toll or duty more than once on the ſaid road.

Giver and receiver of ticket to avoid toll forfeit 10s. before 5 truſtees or a juſtice.

XVII. And for preventing frauds and abuſes in the ſaid toll or duty, be it enacted by the authority aforeſaid, That if any perſon or perſons having paid the toll, and having ſuch note or ticket, ſhall give or diſpoſe of the ſame to any perſon or perſons in order to avoid the payment of the ſaid toll or duty, that every ſuch perſon diſpoſing, or offering, and the perſon receiving, ſuch note or ticket, being thereof convicted on oath before the ſaid truſtees, or any five of them, or before any juſtice of the peace for the county where ſuch offence is committed, ſhall forfeit the ſum of ten ſhillings, to be levied and recovered, and diſpoſed of, as the ſeveral penalties and forfeitures herein before mentioned are directed to be levied, recovered, and diſpoſed of.

15 truſtees at meeting may demiſe toll, payable quarterly or half yearly.

XVIII. And be it enacted by the authority aforeſaid, That the ſaid truſtees, or any fifteen of them, at any of their meetings may by inſtrument in writing farm and let the ſaid tolls or duties for any ſum or ſums of money payable quarterly or half yearly, as they ſhall think fit.

Not above 3 years.

XIX. Provided, the term ſo to be granted does not exceed the term of three years at any one time of letting or farming the ſame, and ſo *toties quoties*.

Exempt from toll.

XX. Provided alſo, That no perſon ſhall be charged with any of the ſaid tolls, who ſhall carry any quantity of ſtone, gravel, or other materials for repairing the ſaid road; nor for any horſe or carriage laden with corn in ſtraw, or with hay drawing from a meadow or meadows to the haggard only; nor for any plows, harrows, or other implements of huſbandry for uſing the ſame in the ſeveral pariſhes, through which the ſaid road ſhall run; nor ſhall any toll be demanded for any horſe, mare, or gelding,

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or other beaſt going to water, or for any poſt horſe carrying the mail; or for the horſes or carriages of ſoldiers on their march.

Continuance 61 years from 1 May 1768.

XXI. And be it enacted by the authority aforeſaid, That the toll or duty hereby granted ſhall take place and have continuance from and after the firſt day of May, one thouſand ſeven hundred and ſixty eight for and during the term of ſixty one years.

Unleſs before the road ſufficiently made and loans repaid.

XXII. Provided, That if at any time before the expiration of the ſaid term the ſaid road ſhall be well and ſufficiently made and repaired, and all the ſums of money that ſhall be borrowed by the ſaid truſtees for making and repairing the ſaid road with the intereſt thereof, and the coſts and charges thereof, ſhall be paid, the ſaid tolls and duties ſhall ceaſe.

5 truſtees on death, removal or refuſing may elect others.

XXIII. And be it enacted by the authority aforeſaid, That for continuing a ſufficient number of able perſons to be truſtees it ſhall and may be lawful for the ſaid truſtees, or any five or more of them, upon the death of any of the ſaid truſtees, or their removal or refuſal to act in the ſaid truſt, from time to time to elect, nominate, and appoint in the room of ſuch truſtee or truſtees ſo deceaſed, removed, or refuſing to act, any fit or able perſon or perſons of the ſaid counties of Kerry or Limerick, who ſhall be joined with the ſaid truſtees, and ſhall have equal powers to act in the execution of the ſaid truſts, and ſo *toties quoties* as often as occaſion ſhall require.

Meeting of truſtees,

XXIV. And be it enacted by the authority aforeſaid, That the ſaid truſtees, or any nine or more of them, ſhall meet at the town of Liſtowell aforeſaid on the ſixth day of June one thouſand ſeven hundred and ſixty eight; and the ſaid truſtees may then adjourn there, or to Ardagh, or Rathkeale aforeſaid, or to any other place near the ſaid road to be repaired, as the ſaid truſtees, or any five of them, ſhall think fit; and if it ſhall happen, that a ſufficient number of the ſaid truſtees ſhall not appear to act or to adjourn to any other day, that then and in ſuch caſe the clerk of the ſaid truſtees by notice in writing, to be affixed at the reſpective gates or turnpikes at leaſt ten days before the next meeting, ſhall appoint the ſaid truſtees to meet at the houſe, where the meeting of the ſaid truſtees was laſt appointed to be had, or at ſome other convenient houſe near the ſaid road, on that day fortnight, upon which ſuch laſt meeting of the ſaid truſtees was appointed to have been held; and that the ſaid truſtees at their firſt and all ſubſequent meetings ſhall defray their own charges and expences.

to bear their expences.

No truſtee to have place of profit,

XXV. Provided always, and be it enacted by the authority aforeſaid, That no truſtee or truſtees, that ſhall be appointed to put this act in execution, ſhall have or accept of any place of

profit ariſing from the tolls or duties herein provided; but ſuch perſon or perſons ſhall be incapable from the time of accepting and continuing to enjoy ſuch place of profit of acting as a truſtee; nor ſhall any ſuch truſtee or truſtees contract for the repair of any part of the ſaid road; but from the time of ſuch contract he or they ſhall ceaſe to be a truſtee or truſtees; and every perſon or perſons, who ſhall contract for the making and amending the ſaid road or any part thereof, ſhall, if required by the ſaid truſtees or any five of them, take an oath before them, which oath they ſhall have power to adminiſter, that he or they do undertake the ſame for his or their own uſe, and not for the uſe of or in truſt for any truſtee or truſtees whatſoever.

nor contract to repair,

oath by contractor.

XXVI. And be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid truſtees or any five or more of them, to compound with all or any of the inhabitants, who ſhall dwell within one Iriſh plantation mile of any of the gates to be erected on the ſaid road, for ſuch yearly ſum to be paid by each and every inhabitant in lieu of the aforeſaid tolls and duties, as the ſaid truſtees or any five or more of them ſhall think fit; and that no turnpike gate ſhall be erected or put up nearer to the ſaid town of Liſtowell than one Iriſh plantation mile.

Truſtees may compound within 1 mile of any gate,

no gate nearer Liſtowell than 1 mile.

XXVII. And be it enacted by the authority aforeſaid, That if any ſuit ſhall be commenced againſt any perſon or perſons for any thing done in purſuance of this act, that in every ſuch caſe the action ſhall be laid in the ſaid county of Kerry or county of Limerick, and not elſewhere; and the defendant or defendants in ſuch action or actions to be brought may plead the general iſſue, and give this act and the ſpecial matter in evidence at any tryal to be had thereupon; and if any ſuch action ſhall be brought in any other county, that then the jury ſhall find for the defendant or defendants; and upon ſuch verdict, or if the plaintiff ſhall be nonſuited, or diſcontinue his action, after the defendant or defendants have appeared, or if on any demurrer judgment ſhall be given againſt the plaintiff, the defendant or defendant ſhall and may recover treble coſts, and have the like remedy for the ſame, as any defendant or defendants hath or have in any other caſes by law.

Suits laid in Kerry or Limerick,

general iſſue, &c.

treble coſts to defendants on nonſuit, &c.

XXVIII. And be it enacted by the authority aforeſaid, That this act ſhall be deemed, adjudged, and taken to be a publick act, and be judicially taken notice of as ſuch by all judges, juſtices, and every other perſon whatſoever without ſpecially pleading the ſame.

A publick act.

CHAP. XII.

An Act to explain and amend the Laws, made for the better ſupplying the City of Dublin with Corn and Flour.

17 & 18 G. 3. c. 29.
31 G. 2. 3.
33 G. 2. 12.

WHEREAS by an act of Parliament paſſed in this kingdom in the thirty firſt year of the reign of his late Majeſty King George the ſecond, entitled, *An act for the better ſupplying the city of Dublin with corn and flour*, and by another act of Parliament paſſed in this kingdom in the thirty third year of the reign of his ſaid late Majeſty, entitled, *An act for amending an act for the better ſupplying the city of Dublin with corn and flour*, certain ſums of money were directed to be paid out of the public revenue of this kingdom as and for premiums or bounties to ſuch perſon or perſons, as ſhould bring ſound, clean, well ſaved, merchantable corn, wheat, rye, meſlin, bere, barley, malt, oats, flour, or meal, by land carriage to the city of Dublin in manner therein mentioned, upon performing the requiſites thereby directed: and whereas the ſaid premiums or bounties thereby directed to be paid for flour of wheat, brought by land carriage to the city of Dublin, are much higher in general than the coſt and charges of the carriage of ſuch flour, to the diminution of the publick revenue, be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the twenty fourth day of June one thouſand ſeven hundred and ſixty eight no ſum of money, premium, or bounty, ſhall by virtue of or under the ſaid recited acts, or either of them, be paid for flour of wheat, or meal of wheat brought by land carriage to the city of Dublin, and that every perſon, who ſhall after the ſaid twenty fourth day of June one thouſand ſeven hundred and ſixty eight bring any quantity of ſound, clean, merchantable flour made of wheat of the growth of this kingdom by land carriage to the city of Dublin from any place, where the ſame was made within this kingdom, and ſhall ſell the ſame in any of the publick markets, or places where corn or flour is uſually ſold in the city of Dublin, the liberty of ſaint Sepulchres, Thomas Court, or Donore, or ſhall deliver the ſame in the city of Dublin, the liberty of ſaint Sepulchres, Thomas Court, or Donore, to a merchant or factor to ſell the ſame, ſhall upon performing the ſeveral requiſites hereinafter mentioned receive from the paymaſter of the corn premiums for the time being or his deputy, as a premium or bounty for every hundred weight

No premium under either of ſaid acts paid for flour brought by land to Dublin, perſons bringing merchantable flour of Iriſh wheat, and ſelling or delivering to factor to ſell at market in Dublin or liberties, ſhall receive as premium *per* hundred wt. (at 112lb.) above 5 miles from the caſtle 3d. every 5 miles, and ſo in proportion.

weight of ſuch flour of wheat, one hundred and twelve pounds to be computed to the hundred, which ſhall be ſo brought from any place at any greater diſtance than five miles from his Majeſty's caſtle of Dublin, and which ſhall be ſold in the ſaid city of Dublin, the liberty of ſaint Sepulchres, Thomas Court, or Donore, the ſum of three pence for every five miles ſuch place ſhall be diſtant from the ſaid caſtle of Dublin, and ſo in proportion for any leſſer number of miles.

On affidavit in 3 months by owner or his clerk, before a juſtice of the county whence, of the quantity, place, and diſtance, in words, of Iriſh growth, and as free from bran or pollard as flour of that quality,

II. Provided always, and be it enacted by the authority aforeſaid, That no perſon ſhall be entitled to receive the ſaid premium or bounty, unleſs he ſhall firſt deliver to the ſaid paymaſter of the corn premiums or his deputy, within the ſpace of three months after ſuch flour of wheat has been ſo brought to the city of Dublin, and ſo ſold, an affidavit made by the owner or one of the owners of ſuch flour of wheat, or by the clerk of ſuch owner or owners ſworn before ſome juſtice of the peace of the county, from whence ſuch flour ſhall have been brought (which affidavit every ſuch juſtice is hereby required to take without fee or reward,) and which affidavit ſhall ſet forth the quantity of ſuch flour of wheat, the name of the place where the ſame was made, and the number of miles ſuch place is diſtant from his Majeſty's caſtle in the city of Dublin, each to be expreſſed in words and not in figures, and that the wheat, whereof ſuch flour was made, was to the beſt of the knowledge and belief of the perſon making ſuch affidavit of the growth of this kingdom, and that ſuch flour of wheat is as free from bran or pollard, as flour of that quality ought to be, and ſhall alſo deliver to the paymaſter or his deputy a certificate under the hand and ſeal of any one juſtice of the peace for ſuch county, ſetting forth that ſuch affidavit was made before him, and that he believes the particulars therein contained to be true, and ſhall alſo deliver to ſuch paymaſter or his deputy an affidavit made by ſome credible perſon (which affidavit the ſaid paymaſter or his deputy is hereby empowered to take) that ſuch certificate was ſigned and ſealed by the perſon, whoſe name is ſubſcribed thereto, and alſo the name or names of the owner or owners of ſuch flour, the quantity thereof, and where the ſame was made, and that ſuch flour has been ſold in ſome one of the publick markets or places, where corn or flour is uſually ſold in the city of Dublin, the liberty of ſaint Sepulchres, Thomas Court, or Donore, or delivered in the city of Dublin, the liberty of ſaint Sepulchres, Thomas Court, or Donore, to ſome merchant or factor (mentioning the name of ſuch merchant or factor) to ſell the ſame, and that he or any other perſon to his belief has not received any premium for the ſame; and ſhall alſo deliver to the ſaid paymaſter

and certificate of the juſtice of belief of the ſame,

and affidavit of ſigning and ſealing certificate, owner's name, quantity, where made, and for ſale, or delivery to a factor by name to ſell, in Dublin market, and of no premium received,

or his deputy, in caſe the ſame ſhall have been ſold in any of the ſaid publick markets or places, a note from the craner of the market, where the ſame has been ſold (which note ſuch craner is hereby required to give without fee or reward) containing the quantity of ſuch flour, and the day of the month and year on which the ſame has been ſold.

and craner's note, where ſold, with the quantity and time of ſale, ſold in 3 months.

III. Provided, no perſon ſhall be entitled to receive the ſaid premium, unleſs the ſaid flour ſhall be ſold within three months, after the ſaid flour hath been ſo brought to the ſaid city of Dublin.

Or the factor's affidavit of the owner's name, quantity, time of receiving, place of ſale, and that no premium received.

IV. And be it further enacted by the authority aforeſaid, That if ſuch flour be delivered to a merchant or factor to ſell the ſame, that in lieu of the ſaid craner's note ſuch merchant or factor ſhall make an affidavit before the ſaid paymaſter or his deputy (which affidavit they are hereby empowered to take) ſetting forth the name or names of the owner or owners of ſuch flour, the quantity of ſuch flour which he received, the time in which he received the ſame, the place or places in which the ſame has been ſold in the city of Dublin, the liberties of ſaint Sepulchres, Thomas Court, or Donore; and that he, or any other perſon to his belief, has not received any premium for the ſame.

Premium for corn brought by land to Dublin above 5 miles as by ſaid acts, and additional ½ *per* mile every 40 ſtone.

V. And be it enacted by the authority aforeſaid, That every perſon who ſhall from and after the twenty fourth day of June next bring any quantity of ſound, clean, merchantable wheat, rye, meſlin, bere, barley, malt, oats, and French or pearl barley by land carriage to the city of Dublin from any place, where the ſame grew within this kingdom, which is at a greater diſtance from the caſtle of Dublin than five miles, and ſhall perform the ſeveral requiſites in the ſaid acts mentioned, ſhall receive the ſeveral reſpective bounties in the ſaid acts mentioned, for every five miles ſuch place ſhall be diſtant from the caſtle of Dublin, and ſo in proportion for a leſſer diſtance; and alſo an additional bounty of one halfpenny *per* mile for every forty ſtone weight of ſuch wheat, bere, barley, malt, and French or pearl barley; and ſo in proportion for a leſſer quantity thereof.

Forged certificate, note, or affidavit, or falſe ſwearing, felony and tranſportation for 7 years.

VI. And be it enacted by the authority aforeſaid, That if any perſon ſhall forge any certificate, craner's note, or affidavit, or ſhall produce to ſuch paymaſter or his deputy any ſuch certificate, craner's note, or affidavit, knowing the ſame to be forged, or ſhall knowingly ſwear any thing, which is falſe, in any ſuch affidavit, he, ſhe, or they, being thereof lawfully convicted upon indictment, ſhall be adjudged guilty of felony, and ſhall be tranſported as a felon to one of his Majeſty's plantations in America for ſeven years.

A. D. 1767.

VII. And be it enacted by the authority aforeſaid, That if any juſtice of the peace ſhall ſign any blank certificate, or any certificate required by this act, knowing the ſame to be falſe, and ſhall thereof be convicted upon information to be filed in his Majeſty's court of King's bench in Dublin, ſuch juſtice ſhall for ever after be diſabled from acting as a juſtice of the peace.

Juſtices ſigning blank or falſe certificate, on information in B.R diſabled.

VIII. And be it enacted by the authority aforeſaid, That if any ſuch craner ſhall refuſe to give ſuch note, as is herein before directed, to ſuch perſon as ſhall be entitled to the ſame, ſuch craner ſhall forfeit for every ſuch offence to the perſon, whom he ſhall ſo refuſe, the ſum of forty ſhillings, to be recovered by him by civil bill; and if ſuch craner ſhall give a falſe note, he ſhall forfeit for ſuch offence the ſum of ten pounds, to be recovered by civil bill by the perſon who ſhall ſue for the ſame.

Craner refuſing forfeits 40s. to the party by civil bill; for falſe note 10l. to proſecutor.

CHAP. XIII.

An Act for altering, amending, explaining, and rendering more effectual an Act, made in the ninth Year of the Reign of his late Majeſty King George the Second, intituled, *An Act for repairing the Road leading from the Bridge, commonly called Banbridge, over the Ban Water in the County of Down to Randalſtown in the County of Antrim.*

WHEREAS by an act paſſed in the ninth year of the reign of his late Majeſty King George the ſecond, intitled, *An act for repairing the road leading from the bridge, commonly called Banbridge, over the Ban Water in the county of Down to Randalſtown in the county of Antrim*, ſeveral tolls and duties were granted and made payable for repairing the ſaid road, and for the other purpoſes in the ſaid act mentioned; which ſaid act was to commence from and after the ſecond Tueſday in the month of May in the year of our Lord one thouſand ſeven hundred and thirty ſix, and from thence to continue in force for the term of forty one years: and whereas the truſtees appointed to put the ſaid act into execution having borrowed ſeveral ſums of money on the credit thereof, and having applied the ſame, together with the tolls collected by virtue of the ſaid laſt in part recited act, in amending the ſaid road; but the tolls proving inſufficient to repair the ſaid road, or to pay the ſums ſo borrowed, and being but barely ſufficient to pay the intereſt of the ſums ſo borrowed, and the ſaid road by reaſon of the great ſcarcity of materials to repair and amend the ſame, and the length and extent thereof from the ſaid bridge, commonly called Banbridge,

9 G. 2. 17.

A. D. 1767. Chap. 13.

to Randalſtown aforeſaid, could not be repaired and ſufficiently amended by the tolls and duties made payable by the ſaid act, nor any part of the principal ſums ſo borrowed on the credit thereof, or that ſhall hereafter be borrowed for the uſe of the ſaid road, paid without augmenting the ſaid tolls, or ſome other proviſion made for that purpoſe: and whereas it is thought neceſſary to make the ſeveral proviſions herein after mentioned for the more effectually repairing and amending the ſaid road, and keeping the ſame in good order and repair, and for ſecuring the debts now due, or which ſhall hereafter be raiſed or become due, to the ſeveral creditors of the ſaid road, be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the twenty fourth day of June one thouſand ſeven hundred and ſixty eight the ſeveral truſtees named and appointed in, by, and under the ſaid former act, and the truſtees herein after named and appointed, or any ſeven or more of them, or ſuch perſon or perſons as ſhall by them or any ſeven or more of them reſpectively authorized or appointed, ſhall and may from the time aforeſaid for and during the continuance of the ſaid term of forty one years mentioned in the ſaid act, and from thenceforth for and during the further term of forty one years, to be computed from the expiration of the ſaid term of forty one years, and from thence to the end of the then next ſeſſion of Parliament, demand, take, and receive reſpectively, in lieu of the tolls and duties to be collected by virtue of the ſaid act, the reſpective tolls and duties following; and the ſaid ſeveral and reſpective perſons ſhall be and are hereby reſpectively empowered to levy the ſeveral tolls by this act charged and appointed to be collected and received; (that is to ſay) the ſeveral truſtees named by and under the ſaid former act, and the truſtees hereby named, for making and repairing the ſaid road, or any ſeven or more of them, or ſuch perſon or perſons as ſhall by them or ſeven or more of them be authorized or appointed, ſhall receive the tolls and duties following, before any horſe, mare, gelding, aſs, or mule, cattle, coach, berlin, chariot, calaſh, chaiſe, chair, waggon, wain, cart, carr, or other carriage, ſhall be permitted to paſs through the ſame; (that is to ſay) for every coach, berlin, chariot, calaſh, chaiſe, or chair drawn by ſix horſes, geldings, mares, mules, or aſſes, two ſhillings; and for every coach, berlin, chariot, calaſh, chaiſe, or chair, drawn by four horſes, geldings, mares, mules, or aſſes, one ſhilling and ſix pence; and for every coach, berlin, chariot, calaſh, chaiſe, or chair, drawn by two horſes, geldings, mares, mules, or aſſes, one ſhilling; for every carriage, commonly

truſtees in this and ſaid act named may for reſidue of the term, and further term of 41 years, &c. take the following toll in lieu of the toll by 9 *G.* 2. 17.

coaches, &c and 6, 2s.

and 4, 1s. 6d.

and 2, 1s.

monly called a chair or chaiſe, drawn by one horſe, mare, gelding, aſs, mule, or beaſt of draft, four pence; for every waggon, wain, cart, or carriage with four wheels (the coaches and carriages herein before mentioned excepted) the breadth thereof being nine inches at the ſole, and the ſtreakes thereof ſet on with flat or roſeheaded nails, drawn by three or more horſes, or beaſts of draft, the ſum of ſix pence; for every waggon, wain, cart, or carriage, with two wheels, the breadth thereof being nine inches at the ſole, and the ſtreakes thereof ſet on with flat or roſeheaded nails, drawn by two or more horſes, geldings, mares, mules, aſſes, or beaſts of draft, three pence (the carriages herein before mentioned excepted) for every waggon, wain, cart, or carriage, with four wheels (the coaches and carriages herein before mentioned excepted) the wheels thereof being narrower than nine inches at the ſole, and the ſtreakes thereof ſet on otherwiſe than as aforeſaid, the ſum of ten ſhillings; for every waggon, wain, cart, or carriage (the coaches and carriages before mentioned excepted) with two wheels, narrower than nine inches at the ſole, or the ſtreakes thereof ſet on otherwiſe than as aforeſaid, drawn by two or more horſes, geldings, mares, mules, aſſes, or beaſts of draft, the ſum of five ſhillings; for every cart or carr having but one horſe, or beaſt of draft, the breadth of the wheels thereof being three inches at the ſole, and the ſtreakes thereof ſet on with flat or roſeheaded nails, the ſum of three half pence: for every cart, carr, or other carriage, having but one horſe, gelding, mare, mule, aſs, or beaſt of draft, with wheels narrower than three inches, or having the ſtreakes thereof ſet on otherwiſe than as aforeſaid, the ſum of one ſhilling; for every horſe, mare, gelding, mule, or aſs, laden or unladen, with or without any perſon riding thereon, the ſum of one penny; for every drove of oxen, cows, or neat cattle, twenty pence by the ſcore, and ſo in proportion for any greater or leſſer number; for every drove of calves, hogs, ſheep, goats, or lambs, ten pence by the ſcore, and ſo in proportion for any greater or leſſer number; and for every carriage, whereon ſhall be carried or born any millſtone, the wheels of ſuch carriage being nine inches at the ſole, and the ſtreakes thereof ſet on with flat or roſeheaded nails, the ſum of one ſhilling; and for every ſuch carriage whereon ſhall be carried or born a millſtone, the wheels whereof ſhall be narrower than nine inches, or the ſtreakes thereof ſet on otherwiſe than as aforeſaid, the ſum of ten ſhillings; and that the truſtees herein after in this preſent act mentioned, and by and under the ſaid herein before mentioned act named and appointed, or by virtue of the powers by the ſaid former act or by this preſent act to be appointed, for making and repairing the ſaid

1 horſe chair 4d.

4 wheeled wains, 9 inches broad with flat nails, by 3 or more horſes 6d. if under 9 inches, &c. 10s.

2 wheeled, 9 inches broad &c. 3d. if under, 5s.

cars, &c. with 3 inch wheels and flat nails 1½d. if under 3 inches, &c. 1s.

a horſe 1d.

oxen 20d. *per* ſcore; calves, &c. 10d.

carriage with millſtone, 9 inch wheels and flat nails, 1s. otherwiſe 10s.

7 truſtees to act,

A. D. 1767. Chap. 13.

road, or any ſeven or more of them, or ſuch perſon or perſons as ſhall be by them, or any ſeven or more of them, ſhall be authorized and appointed, ſhall receive the ſame tolls and duties herein before particularly appointed and directed to be paid to the truſtees named and appointed in this preſent act, and by and under the ſaid former act, before any horſe, mare, gelding, aſs, mule, cattle, coach, berlin, chariot, calaſh, chaiſe, chair, waggon, wain, cart, carr, or other carriage ſhall be permitted to paſs through the ſame; which ſaid reſpective ſum and ſums of money ſhall be demanded and taken reſpectively in the name of or as the reſpective toll or tolls; and the money thereby to be raiſed and collected is hereby and ſhall be reſpectively veſted in ſuch truſtees; and the ſame, and every part thereof, ſhall be applied and diſpoſed of to and for the ſeveral uſes, intents, and purpoſes, and in ſuch manner, as by the ſaid former act and this preſent act are particularly mentioned and declared; (that is to ſay) ſubject and liable to the payment of the ſeveral ſums already borrowed purſuant to the ſaid act, and now due and unpaid, and the intereſt due and to grow due thereon, and of ſuch further ſum and ſums of money, not exceeding two thouſand pounds ſterling, as hereafter ſhall or may be borrowed for the uſe of the ſaid road, and towards repairing the ſame; and ſuch ſum and ſums as ſhall be ſo collected and raiſed at the turnpikes, erected and to be erected thereon, ſhall be veſted in the truſtees for the ſame, ſubject and liable to the payments of the ſeveral ſums ſo borrowed and remaining due, and the intereſt thereof, and to ſuch further ſum and ſums of money, not exceeding two thouſand pounds ſterling, and the intereſt thereof as ſhall hereafter be raiſed and borrowed for the uſe of and for and towards repairing the ſame; and that the ſaid reſpective tolls, and every part thereof, ſhall be applied and diſpoſed of to and for the ſeveral and reſpective uſes, intents, and purpoſes, and in ſuch manner, as by the ſaid former act and herein is mentioned and declared; and that the truſtees, or any ſeven or more of them, are hereby reſpectively impowered by themſelves, or by any perſon or perſons by them thereunto reſpectively authorized, to levy the ſaid tolls by this act charged and appointed to be collected and received.

Toll veſted in truſtees to uſes of this and former act, ſubject to money borrowed and further ſums not exceeding 2000l.

II. And be it further enacted by the authority aforeſaid, That the tolls and duties hereby granted ſhall take place from and after the twenty fourth day of June next; and that the ſaid act made in the ninth year of the reign of his late Majeſty King George the ſecond, and all and every the powers, articles, rules, penalties and clauſes therein contained, except what are hereby altered, ſhall be of full force and effect, and ſhall continue and be executed as well during the remainder of the ſaid term of forty

Toll to commence 24 June next,

9 G. 2. 17. continued (ſave as altered) 41 years, &c. after end of former term.

ty one years mentioned in ſaid act, as for and during the further term of forty one years, to be computed from the expiration thereof, and from thence to the end of the then next ſeſſion of Parliament, for the intents and purpoſes in the ſaid act and herein before and after mentioned, as if the powers and authorities given by the ſaid act were herein again repeated and re-enacted in the body of this preſent act; any thing herein contained to the contrary in any wiſe notwithſtanding. A. D. 1767. Chap. 13.

III. And be it further enacted by the authority aforeſaid, That the perſons herein after named ſhall be the truſtees for putting the ſaid former act and this preſent act into execution; (that is to ſay) the right reverend James lord biſhop of Down and Connor, Robert Adair eſquire, John O'Niel eſquire, Thomas Thompſon eſquire, Andrew Todd eſquire, St. John O'Niel eſquire, the reverend James Barry clerk, the reverend William Tiſdall, Mark Kerr O'Niel eſquire, the reverend Arthur Chicheſter, the reverend William Chicheſter, the reverend Hugh Maxwell, John White eſquire, William Buttle eſquire, William Henderſon of Hazlebrook gentleman, John Kerr of Tannaghmore gentleman, Samuel Thompſon of Greenmount gentleman, William Sloan gentleman, Mr. Nathan Gregg linnen draper, Mr. Edward Hogg linnen draper, Mr. John Gillilan of Holſtone linnen draper, Francis Gorman eſquire, Mr. Thomas Gregg linnen draper, Mr. Stafford Gorman linnen draper, John Hunter of Ballinderry gentleman, Bryan Mc Manus eſquire, Mr. Forteſcue Gorman merchant, Mr. Doherty Gorman merchant, Joſeph Moore of Aghohill gentleman, Mr. John Mc Culloch apothecary, Daniel O'Niel of Ballymiliſtragh gentleman, Henry O'Hara of Cleggan eſquire, Mr. Conway Mc Niece linnen draper, and all and ſingular the juſtices of the peace, and beneficed clergy of the counties of Down and Antrim for the time being, reſpectively, together with ſuch other truſtees as are now ſubſiſting by virtue of or under the ſaid former act, ſhall be and are hereby veſted with all the powers and authorities, in the ſaid former act and in this preſent act given and enacted, to all intents and purpoſes, with powers to erect turnpikes, and to receive ſeparate and diſtinct tolls, and to elect, nominate, appoint, and remove receivers, collectors, overſeers, and other officers, purſuant to the powers hereby and in and by the ſaid former act granted. Truſtees named.

IV. And be it further enacted by the authority aforeſaid, That in caſe any of the ſaid truſtees named and appointed, or as aforeſaid, or any other truſtee or truſtees who ſhall hereafter be appointed by virtue of the powers in the ſaid former 11 truſtees on death, refuſal, &c. may elect others.

act or in this preſent act, ſhall happen to die, or decline to act, or if for that or any other reaſon or reaſons it ſhall be thought neceſſary or expedient to elect or appoint any other truſtee or truſtees, that in ſuch caſe it ſhall and may be lawful to or for any eleven or more of the truſtees, already appointed or hereafter to be appointed purſuant to the ſaid powers in the ſaid former act and in this act, during the continuance of the ſaid former act and of this preſent act to elect and appoint ſo many more fit and able perſons to be joined with them reſpectively in execution of ſaid former act and of this preſent act; and that all and every perſon and perſons, ſo reſpectively to be elected and appointed, ſhall and may be and are hereby reſpectively impowered to act to all intents and purpoſes, as the ſaid truſtees by the ſaid former act or this preſent act are impowered to do, and ſo from time to time as often as there ſhall be occaſion reſpectively.

Poſſeſſed of 40l. yearly freehold, or 800l. perſonal,

V. And be it provided and enacted by the authority aforeſaid, That no perſon ſhall be hereafter elected a truſtee to put this act or the ſaid former act in execution, who ſhall not actually be in the poſſeſſion of a freehold eſtate of the clear yearly value of forty pounds at the time of his being elected a truſtee, or who ſhall not have a perſonal eſtate of the clear value of eight hundred pounds; and that upon any doubt ariſing of the value of ſuch eſtates, the perſon ſo elected, before he ſhall be admitted to act as a truſtee (if any truſtee ſhall require it) ſhall ſwear, that his eſtate is of the ſaid value before five truſtees aſſembled at a board, which oath the ſaid truſtees are hereby impowered and authorized to adminiſter.

On oath, if required, before 5 at board.

Diviſion of the road in 2 parts.

VI. And be it further enacted by the authority aforeſaid, That the ſaid road, ſo leading from Banbridge to Randalſtown aforeſaid, ſhall be divided into two parts; and that ſo much of the ſaid road as reaches from the ſaid bridge, called Banbridge, over the Ban Water in the county of Down to Glenavy on the ſaid road in the county of Antrim, ſhall be hereafter diſtinguiſhed and known by the name of the ſouthern diviſion of the ſaid road; and ſo much thereof, as reaches from this ſaid town of Glinavy in the county of Antrim to the ſaid town of Randalſtown, in the ſaid county of Antrim, ſhall hereafter be diſtinguiſhed and known by the name of the northern diviſion of the ſaid road.

Toll paid only once a day in each.

VII. And be it further enacted by the authority aforeſaid, That no perſon or perſons ſhall be obliged to pay any of the tolls herein before mentioned more than once in the ſame day within either of the ſaid diviſions of the ſaid road; but that every perſon having paid the toll or duty hereby impoſed at

any

any one of the gates, erected or to be erected on the ſaid road between the ſaid bridge, called the Banbridge, and Glenavy, on producing a note or ticket thereof, which the receiver or receivers of the ſaid tolls are hereby required to give without fee or reward, ſhall be permitted to paſs free through all the ſeveral gates on the ſaid part of the ſaid road during the day, on which he has once paid the ſaid toll as aforeſaid; and ſo in like manner, having paid the ſaid toll at any one of the gates on the ſaid other part of the road between Glenavy and Randalſtown aforeſaid, ſhall on producing ſuch ticket or note thereof be permitted at any time during the ſaid day to paſs through the other gates on the ſaid part of the ſaid road: but it is the true intent and meaning of this act, that every perſon ſhall pay twice on the ſame day, in caſe he, ſhe, or they ſhall travel and paſs through one or more gate or gates on each diviſion of ſaid road.

Exempt from toll.

VIII. Provided always, and it is hereby declared, That no perſon or perſons ſhould be charged with any of the tolls or duties aforeſaid for any carts, carrs, or waggons loaded or going to be loaded with corn in the ſtraw only, or hay drawn from the meadow to the haggard; nor for any plows, harrows, or other implements of huſbandry, which may be carried in order for uſing or repairing of the ſame in the ſeveral pariſhes, in which the ſaid highways or roads, hereby intended to be repaired, do lye; nor ſhall any toll or duty be demanded or taken at any of the turnpikes to be erected as aforeſaid for any horſe, mare, gelding, aſs, mule, or other cattle going to or from water or paſture; or for any poſt horſe carrying the mail or packet; or for ſuch horſe as is or ſhall be uſed only to ride on by the owner or driver of any waggon, cart, or carriage, provided ſuch horſe paſs through the ſaid turnpike or turnpikes with ſuch waggon, cart, or carriage; nor ſhall any toll or duty be demanded or taken from any horſe or horſes of ſoldiers paſſing, that are upon their march; or for any waggons, carts, carrs, or other carriages attending them; or for horſes, waggons, carts, carrs, or other carriages travelling with vagrants ſent by paſſes, or with priſoners tranſmitted from one part of the kingdom to another.

15 at board may iſſue orders for intereſt.

IX. And be it enacted by the authority aforeſaid, That it ſhall and may be lawful for the ſaid truſtees, or any fifteen or more of them, at any meeting or board, and not otherwiſe, from time to time during the continuance of the ſaid former act and this preſent act to make out warrants or orders in writing under their hands, directed to the treaſurer or receiver of the ſaid tolls, thereby requiring him to pay thereout to the

perſon or perſons named in ſuch warrant or order, his or their executors, adminiſtrators, or aſſigns, the growing intereſt of the ſum of money mentioned in ſuch warrant or order, as the ſame ſhall from time to time become due, until ſuch time as the principal ſum mentioned in the ſaid warrant or order ſhall be paid off and diſcharged at one entire payment.

No order above 50l.

X. Provided, That no warrant or order, to be iſſued to the ſaid treaſurer or receiver by virtue of this act, ſhall be for any greater ſum than the principal ſum of fifty pounds.

Transferable by indorſement,

XI. And be it alſo enacted by the authority aforeſaid, That all and every perſon and perſons, to whom ſuch warrants or orders ſhall be given or aſſigned, his or their executors or adminiſtrators, may by indorſement of ſuch warrants, or orders, or receipts, transfer the right and benefit of the ſum mentioned in ſuch warrants or orders; which indorſement upon notice to the treaſurer or receiver of the ſaid tolls, and an entry or memorial thereof made in a book or books to be kept for that purpoſe, which the ſaid treaſurer or receiver ſhall upon requeſt without charge, fee, or reward make accordingly, and ſhall upon requeſt of any perſon or perſons permit the ſame to be viewed at reaſonable hours without fee or reward, ſhall entitle the endorſee or aſſignee, his or her executors, adminiſtrators, or aſſigns, to the ſole benefit of the ſum ſo transferred or aſſigned; and the ſaid warrant or order may in like manner be transferred and aſſigned by ſuch aſſignee, his or her executors or adminiſtrators, and ſo from time to time; and that after ſuch aſſignment it ſhall not be in the power of ſuch perſon or perſons, who made ſuch aſſignment or indorſement, to make void, releaſe, or diſcharge the ſaid aſſignment, or the ſum thereby transferred or aſſigned, or any part thereof.

on notice and memorial,

viewed without fee at reaſonable hours,

not after in power of aſſignor.

Orders numbered.

XII. And be it alſo enacted by the authority aforeſaid, That the reſpective treaſurer or receiver of the ſaid tolls ſhall arithmetically number all the warrants and orders, which ſhall be given or delivered out in purſuance of this act, as they ſhall be delivered out, commencing with number one, and ſo continuing the whole numbers till the whole be arithmetically numbered.

Toll applied 1ſt to pay intereſt of loans,

XIII. And be it alſo enacted by the authority aforeſaid, That the ſeveral and reſpective tolls and duties, hereby made payable for the turnpikes erected or to be erected as aforeſaid in their ſeparate and diſtinct diviſions, ſhall be applied and paid to the diſcharge of the intereſt of the ſaid ſeveral ſums already borrowed purſuant to the ſaid former act, and of ſuch other and further ſum and ſums of money as ſhall be hereafter borrowed for the uſe of the ſaid road and towards repairing the

ſame; ſo that ſuch further ſum to be borrowed ſhall not exceed the ſaid ſum of two thouſand pounds; and that all the ſurplus of the ſaid tolls and duties hereby made payable, over and above what ſhall be ſufficient to diſcharge the ſaid intereſt and the ſeveral ſalaries payable purſuant to this and the ſaid former act, and to repair the ſaid road, and keep the ſame in good order and repair from time to time, ſhall be appointed reſpectively as aforeſaid towards the diſcharge of the ſeveral principal ſums ſo already borrowed, and towards the diſcharge of ſuch further and other ſum or ſums as ſhall hereafter be borrowed as aforeſaid, in manner hereafter mentioned; (that is to ſay,) that when and as often as ſuch ſurplus received by the ſaid treaſurer or receiver ſhall amount to the ſum of fifty pounds, then the ſaid treaſurer or receiver ſhall cauſe the number of all the warrants or orders, which already are or hereafter ſhall be reſpectively iſſued or delivered out in purſuance of this act and the ſaid former act, and the ſum therein contained, to be written on ſeveral tickets or pieces of parchment, and to be rolled and ſealed up, and put into a box or urn, and well mixed together; and an indifferent perſon ſhall publickly between the hours of ten and twelve in the forenoon of a day, to be by the treaſurer or receiver publickly advertiſed in the Belfaſt news paper or ſome other publick news paper for that purpoſe, and alſo to be poſted on the turnpike gates at leaſt twenty days before, at the neareſt gate to the town of Glenavy draw out of ſuch box or urn as many of the ſaid tickets or pieces of parchment, as the ſum therein contained ſhall amount to ſuch overplus ſum or ſums, as ſhall remain in the treaſurer or receivers hands, to be paid off to the creditor or creditors of the ſaid road; and the perſon or perſons, the number of whoſe warrants or orders ſhall be ſo drawn, his or their executors, adminiſtrators, or aſſigns, ſhall, within twenty days after the ſaid warrants or orders ſhall be drawn, be paid by the ſaid treaſurer or receiver the principal ſum to him or them reſpectively due with intereſt for the ſame till paid, and ſhall upon payment thereof deliver up his and their ſeveral and reſpective warrants or orders to the ſaid treaſurer or receiver to be cancelled, which he is hereby required to cancel accordingly; and the intereſt payable by virtue of ſuch warrants or orders ſhall ceaſe from the expiration of twenty days, to be accounted from the day of drawing the ſaid tickets or pieces of parchment.

when ſurplus 50l. a drawing by ballot.

XIV. And be it enacted by the authority aforeſaid, That all ſuch coſts and charges, as have been or ſhall be laid out and expended in and about the procuring and paſſing this preſent

Coſts firſt paid with 6 per cent.

A. D. 1767. Chap. 13.

act of Parliament and ſurveying the ſaid road, ſhall be firſt diſcharged and paid out of the money ariſing out of the toll or tolls, to be collected by virtue of this preſent act, together with an intereſt at the rate of ſix pounds by the hundred by the year till the ſame ſhall be paid.

7 truſtees may compound.

XV. And be it alſo enacted by the authority aforeſaid, That the ſaid truſtees, or any ſeven or more of them, ſhall and may, and they are hereby impowered from time to time, as they ſhall ſee convenient and think fit, to compound or agree by the year or otherwiſe with all and every or any of the inhabitants of the ſeveral pariſhes, through which the ſaid roads lead, and with the inhabitants of the adjacent pariſhes, in ſuch manner as by the ſaid former act and this preſent act the ſaid truſtees, or any number of them, were and are authorized or impowered to do or compound.

11 may demiſe in writing not above 3 years.

XVI. And be it alſo enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid truſtees or any eleven or more of them reſpectively by any agreement or agreements, leaſe or leaſes, demiſe or demiſes in writing, to be reſpectively executed by the ſaid reſpective truſtees, or any eleven or more of them, reſpectively under their hands and ſeals to demiſe or leaſe, ſet or let, all or any part of the ſaid reſpective tolls and the turnpikes to ſuch perſon or perſons, as they ſhall reſpectively think fit, for ſuch time and term, not exceeding three years, and for ſuch rents and yearly income, as they ſhall reſpectively think fit; and that all and every ſuch rent and yearly income ſhall be applied, as in the ſaid former act and in this preſent act is mentioned, directed, and appointed, in making and repairing the ſaid road, and keeping the ſame in good repair from time to time, and in diſcharge of ſuch principal ſums of money and intereſt, as are now due, or ſhall hereafter reſpectively become due, by virtue of the ſaid former act and this preſent act; and alſo that it ſhall and may be lawful to and for all and every perſon or perſons, who ſhall take any leaſe or leaſes, demiſe or demiſes, of all or any part of the ſaid tolls or turnpikes, to take and receive to their own proper uſe and behoof the tolls and profits, which ſhall ariſe from ſuch reſpective turnpikes, as they ſhall reſpectively ſo take, they paying the ſaid reſpective rents or yearly income to the ſaid reſpective truſtees according to their ſeveral agreements; any thing herein contained to the contrary notwithſtanding.

Toll to ceaſe on adjudication at ſeſſions of ſufficient repair, and repayment of loans.

XVII. Provided always, and be it alſo further enacted by the authority aforeſaid, That if at any time before the expiration of the ſaid term of forty one years, hereby granted, the highway or road aforeſaid ſhall be ſufficiently amended and repaired,

and ſhall be ſo reſpectively adjudged by the juſtices of the peace for the ſaid counties of Down and Antrim at their quarter ſeſſions to be holden reſpectively for the ſaid counties, that then from and after ſuch adjudication made, and repayment made of all ſuch monies as have been or ſhall be borrowed upon the credit of the ſaid former act or this preſent act, with the intereſt thereof the tolls hereby reſpectively granted and made payable, and all the powers and authorities in the ſaid former act and this preſent act contained, ſhall reſpectively ceaſe and determine; any thing in the ſaid former act and this preſent act contained to the contrary notwithſtanding.

11 may meet and adjourn.

XVIII. And be it alſo further enacted by the authority aforeſaid, That the ſaid truſtees, or any eleven or more of them, ſhall and may meet at Moira, Glenavy, or Antrim on the eleventh day of July in the year of our Lord one thouſand ſeven hundred and ſixty eight, or any other day or days to be ten days previouſly advertiſed in the Belfaſt news paper, and notice thereof poſted for ten days before on each of the gates of the ſaid road; and the ſaid truſtees ſhall and may adjourn themſelves, and afterwards meet at any of the ſaid laſt mentioned places for putting this act in execution, as by the ſaid former act and this preſent act is directed and appointed.

9 truſtees may contract to make and keep in repair.

XIX. And be it alſo enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid truſtees named in this act, and the ſaid truſtees named in the ſaid former act, or any nine or more of them, to contract and agree with ſuch perſon or perſons, as they ſhall think fit, for the making and repairing, and keeping in repair, the ſaid roads, ſo leading from Banbridge to Randalſtown aforeſaid; any thing contained in the ſaid former act and this preſent act to the contrary notwithſtanding.

A publick act.

XX. And be it alſo enacted by the authority aforeſaid, That this preſent act ſhall be deemed, adjudged, and taken to be a publick act, and ſhall be judicially taken notice of as ſuch by all judges, juſtices, and other perſons whatſoever without ſpecially pleading the ſame.

CHAP. XIV.

An Act for the further explaining and amending an Act, entitled, *an Act to prevent the Diſorders that may happen by the marching of Soldiers; and for providing Carriages for the Baggage of Soldiers in their March.*

Repealed 25 G. 3. c. 28. ſec. 42.

6 Anne 14.

3 G. 2. 10.

WHEREAS by act of Parliament paſſed in this kingdom in the ſixth year of the reign of her late Majeſty Queen Anne, intitled, *An act to prevent the diſorders that may happen by the marching of ſoldiers, and for providing carriages for the baggage of ſoldiers in their march*, and by one other act of parliament made in this kingdom in the third year of the reign of his late Majeſty King George the ſecond, intitled, *An act for explaining and amending an act to prevent the diſorders that may happen by the marching of ſoldiers, and for providing carriages for the baggage of ſoldiers in their march*, certain ſums of money were directed to be paid to the owners of carriages for the baggage of ſoldiers in their march: and whereas the rates, directed to be paid by ſaid recited acts, are not a ſufficient ſatisfaction to the owners of ſuch carriages, eſpecially as the perſons requiring ſuch carriages do frequently overload the horſes drawing ſuch carriages: be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the twenty fourth day of June one thouſand ſeven hundred and ſixty eight no perſon or perſons whatſoever ſhall be compelled to take any loading, or be forced to proceed in any march with his or their carriage or carriages, until ſuch time as the officer or other perſon, who ſhall require ſuch carriage or carriages, ſhall pay down in hand to the owner or owners of ſuch carriage or carriages, his or their ſervant or ſervants, the ſums herein after mentioned, (that is to ſay) for every hundred weight, which the owner or owners of any wheel carriage or carriages, ſhall take as loading on ſuch wheel carriage or carriages, the ſum of one halfpenny for every mile or reputed mile, he or they ſhall march with his or their carriage or carriages purſuant to ſaid recited acts; which ſum or ſums, ſo to be advanced and paid by ſuch officer or other perſon as aforeſaid, ſhall be repaid to ſuch officer or other perſon paying the ſame by the vice treaſurer of this kingdom for the time being without fee or reward on performing the requiſites preſcribed by ſaid recited acts.

II. And

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II. And be it further enacted by the authority aforesaid, That the owner or owners of such carriage or carriages shall not be compelled or obliged to take any loading, until the same shall be first duly weighed at the expence of the owner or owners of such carriage or carriages, if he or they shall think fit, and the same can be done in a reasonable time, without let or hinderance to his Majesty's service.

III. And be it further enacted by the authority aforesaid, That all and every the clauses, powers, and authorities contained in the said recited acts, other than such clauses and parts thereof as are hereby repealed and altered, shall remain in force, and shall be executed, observed, and performed according to the true intent and meaning thereof.

CHAP. XV.

An Act for directing the Application of the Sum of Seven Thousand Pounds, granted to the Dublin Society for the Encouragement of such Trades and Manufactures, as should be directed by Parliament.

WHEREAS by an act passed in this session, entitled, *An act for granting to his Majesty an additional duty on beer, ale, strong waters, wine, tobacco, hides, and other goods and merchandizes therein mentioned; and for prohibiting the importation of all gold and silver lace, and of all cambricks and lawns, except of the manufacture of Great Britain*, it is among other things enacted, That the sum of seven thousand pounds should be paid to the Dublin Society to be applied by them for the encouragement of such trades and manufactures, and in such manner, and subject to such regulations, as should be directed by Parliament: and whereas an act passed in the last session of Parliament for directing the application of certain sums heretofore granted to the said Dublin Society for the encouragement of such trades and manufactures, as in the said act are mentioned: and whereas the premiums offered by the said Society, for encouraging the said trades and manufactures have not been demanded, by reason whereof a part of the said last mentioned sums remain in the hands of the said Society unapplied; in order therefore to direct and regulate the application of the said sum of seven thousand pounds granted this session, and such part of the said sums heretofore granted as shall remain unapplied under the said recited act, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons

7 G. 3. 1. sec. 7. recited.

5 G. 3. 12.

A. D. 1767. Chap. 15.

in this preſent Parliament aſſembled, and by the authority of the ſame, That it ſhall and may be lawful to and for the ſaid Dublin Society to diſpoſe of the ſaid ſeveral ſums for the purpoſes and in the manner herein after mentioned (that is to ſay) for the encouragement of the ſilk manufacture as well by wholeſale as by retail, the woollen, leather, iron, ſteel, copper, braſs, paper, glaſs, and earthen ware manufactures, mixed manufactures of ſilk, wool, cotton, mohair, or linen thread, gold or ſilver thread, or laces thereof manufactured, of the manufacture of printing, ſtamping, and ſtaining of linens or cottons, and of the manufacture of acid of ſulphur, commonly called oil of vitriol, and of ſalt petre; ſuch encouragements to be made by premiums on the ſaid manufactures, when made or ſold in ſuch proportion and rate as the Dublin Society ſhall direct and appoint concerning the ſame.

Dublin Society impowered to diſpoſe of 7000l. granted by 7 G. 3. 1. *ſec.* 7. and of ſuch part of ſums heretofore granted as remains unapplied under the 5 G. 3. 12. to encourage the ſilk and other manufactures herein enumerated, by premiums when made or ſold, as by the ſociety directed,

II. Provided nevertheleſs, That no perſon ſhall be entitled to any premium or any part of the ſaid ſum of ſeven thouſand pounds for any manufacture for which at the time of making ſuch manufacture the maker thereof had any excluſive patent, or for which premium there might not be a fair competition.

except where an excluſive patent, or not a fair competition.

III. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Dublin Society to diſpoſe of part of the ſaid ſeveral ſums, (not exceeding two hundred and fifty pounds) towards the erecting and eſtabliſhing a Pharmacopæia Pauperum for diſpenſing medicines to the poor of the city of Dublin according to a plan laid down by John Wade, chemiſt; any thing herein contained to the contrary notwithſtanding.

Part, not exceeding 250l. for medicines to the poor of Dublin as by John Wade's plan.

IV. And be it enacted by the authority aforeſaid, That the ſaid Dublin Society ſhall on ſome day previous to the twenty fourth day of June next, reſolve and determine, how much of the ſaid ſums ſhall be applied for the encouragement of each of the ſaid manufactures and trades; and ſhall cauſe ſuch reſolutions to be entered in their books, and publiſhed in the Dublin Gazette, or ſuch other news paper as the Society's proceedings are uſually inſerted in.

Reſolved and publiſhed before 24 June next how much to each manufacture.

V. And be it further enacted by the authority aforeſaid, That the ſaid Dublin Society on or before the the firſt day of Auguſt next ſhall regulate and ſettle, at what times and in what manner the reſpective ſums, which ſhall be ſo allotted as aforeſaid for the encouragement of the ſaid reſpective manufactures and trades, ſhall be paid and diſtributed; and ſhall cauſe ſuch reſolutions to be entered in their books, and publiſhed in the

And by 1ſt Auguſt the time and manner of diſtributing.

the ſaid Dublin Gazette, or ſuch other news paper as the Society's proceedings are uſually inſerted in.

Undiſpoſed ſums applied by the ſociety to any of ſaid manufactures, as they think fit, unleſs previouſly directed by Parliament.

VI. Provided nevertheleſs, That if any of the premiums offered by the ſaid Society ſhall not be claimed, or that the perſon claiming ſhall not be entitled to receive the ſame, it ſhall be lawful for the ſaid Society, and they are hereby directed, to diſpoſe of the ſaid ſums ſo undiſpoſed of in ſuch manner, and at ſuch times, as they ſhall think fit, for the encouragement of all or any of the manufactures or trades aforeſaid, unleſs the application of any part of ſuch undiſpoſed of ſums ſhall be previouſly directed by Parliament.

No premium for goods made antecedent to ſociety's firſt determination,

except ſilks in the Iriſh ware-houſe for retail.

VII. Provided always, That no perſon ſhall be capable of receiving any part of the ſaid ſums for any goods, which ſhall not be manufactured ſubſequent to the time of the Society's firſt determining, how much money ſhall be applied for the encouragement of the ſaid manufactures and trades; excepting only ſuch ſilks as are or ſhall be depoſited in the Iriſh ſilk ware-houſe to be ſold by retail; which ſilks ſhall be entitled to the ſeveral premiums to be offered for the ſame, although they ſhall have been made antecedent to the time aforeſaid.

Orders by the ſociety to examine quantity and quality of the goods to prevent frauds in claimants,

and to ſettle diſputes of right to premium.

VIII. And be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Dublin Society to make ſuch orders and regulations for examining the quantity and quality of ſuch goods, for which any premium ſhall be demanded, as they ſhall judge moſt expedient for the publick ſervice, and moſt likely to prevent any frauds in the perſon or perſons who ſhall claim to be entitled to ſuch premium; and in caſe any diſputes ſhall ariſe touching the right of any perſon or perſons to ſuch premium, the Dublin Society ſhall finally determine the ſame.

Service of proceſs on the ſociety's ſecretary effectual.

IX. And whereas the Dublin Society already have taken, and hereafter may have occaſion to take, leaſes of houſes or other tenements; and it is reaſonable, that perſons, who have or ſhall demiſe to them, and all other perſons having any demand on the ſaid Society, ſhould not be delayed in the recovery of their ſeveral demands: be it enacted by the authority aforeſaid, That in every caſe and ſo often as it ſhall be neceſſary to ſerve the ſaid Society with any ejectment, ſubpæna, order, decree, or any other proceſs or proceeding of any court of law or equity, that the ſervice of the aſſiſtant ſecretary of the ſaid Dublin Society ſhall be and be deemed good and effectual ſervice of the ſaid Society.

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If between 20 Oct. and 20 July, and 16 days before return of process.

X. Provided, such service be made between the twentieth day of October and twentieth day of July in every year; and so as such service be made sixteen days at least before the return of such ejectment, subpœna, order, or decree, or other summons, process, or proceeding.

CHAP. XVI.

An Act for allowing further Time to Persons in Offices or Employments to qualify themselves pursuant to an Act, entitled, *An Act to prevent the further Growth of Popery.*

Expired, 2 Anne 6.

WHEREAS several persons, well affected to his Majesty's government, and the church of Ireland, as by law established, may have through ignorance neglected, or been prevented by sickness, or other unavoidable causes, from taking and subscribing the oaths, and making and subscribing the declaration, and from receiving the sacrament of the Lord's Supper, according to the directions of an act made in this kingdom in the second year of the reign of her late Majesty Queen Anne, entitled, *An act to prevent the further growth of popery*, and by their inadvertency may have incurred great penalties: be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That all and every person or persons, who have incurred any penalties and incapacities in the said act, entitled, *An act to prevent the further growth of popery*, mentioned, by neglecting to qualify themselves according to the said act, shall be and are hereby indemnified, freed, and discharged of and from all incapacities, disabilities, forfeitures, and penalties, incurred by reason of such omission or neglect as aforesaid; and that no act or acts done by them, or any of them, or by authority derived from them, or any of them, and not yet avoided, shall be questioned or avoided by reason of such neglect or omission; but all such acts shall be, and are hereby declared and enacted to be, as good and effectual, as if all and every such person and persons had taken and subscribed the said oaths, and received the said sacrament, and made and subscribed the said declaration, in manner as aforesaid; any thing in the said act to the contrary notwithstanding.

II. Provided such person or persons do and shall take and subscribe the said oaths, and receive the said sacrament, and make, repeat, and subscribe the said declaration, in such manner and form, and in such place and places, as are directed and appointed by the said act *to prevent the further growth of popery*, on or before the first day of August, which shall be in the year of our Lord one thousand seven hundred and sixty eight.

III. Provided

III. And whereas ſeveral of his Majeſty's ſubjects are often preferred in the army reſiding in Great Britain, by which they are by the laws in force in that kingdom obliged to qualify themſelves in ſome part of Great Britain by receiving the ſacrament, taking the oaths, and ſubſcribing the declaration, within the time mentioned in ſuch laws: and whereas the regiment or regiments, in which ſuch officer or officers have commiſſions ſo granted to them, are often ordered into this kingdom, and put upon this eſtabliſhment, by which a doubt has ariſen, whether ſuch officer or officers, notwithſtanding he or they having qualified themſelves in Great Britain for ſuch commiſſion according to the ſaid laws, are not by the laws in force in this kingdom obliged to qualify themſelves after their arrival here for ſuch commiſſions according to an act of Parliament, paſſed in this kingdom in the ſecond year of the reign of her late Majeſty queen Anne, entitled, *An act to prevent the further growth of popery:* be it enacted by the authority aforeſaid, That no officer or officers ſo preferred in Great Britain, who ſhall have qualified him or themſelves for ſuch commiſſion or commiſſions according to and within the time limited by the ſaid laws made in Great Britain, ſhall be obliged to qualify him or themſelves in this kingdom for ſuch commiſſion or commiſſions, ſo granted to him or them in ſuch regiment or regiments after their arrival in this kingdom, and being put upon this eſtabliſhment; any law, uſage, or cuſtom to the contrary notwithſtanding.

IV. And be it further enacted by the authority aforeſaid, That all perſons, who have been or ſhall be appointed juſtices of the peace, who have once qualified, and have taken and ſubſcribed or ſhall take and ſubſcribe the ſaid oaths, and have received or ſhall receive the ſaid ſacrament, and have made, repeated, and ſubſcribed, or ſhall make, repeat, and ſubſcribe, the ſaid declaration in ſuch manner and form and in ſuch place and places, as are directed and appointed by the ſaid act *to prevent the further growth of popery*, and all perſons who ſhall be appointed juſtices of the peace by any commiſſion or commiſſions, which ſhall be granted after his Majeſty's demiſe by any of his Majeſty's ſucceſſors, Kings or Queens of this realm, and ſhall have after the iſſuing of the firſt commiſſion, whereby ſuch perſons ſhall be ſo appointed in the reign of any ſuch King or Queen, taken and ſubſcribed the ſaid oaths, and the ſaid ſacrament, and declaration as aforeſaid, ſhall not be obliged during the reign of his preſent Majeſty or during any future reign, in which ſuch requiſites have been performed as aforeſaid, to take and ſubſcribe the ſame oaths for or by reaſon of ſuch perſon or perſons being again appointed to the ſaid office of juſtice of the peace by any ſubſequent commiſſion or commiſſions, which ſhall be granted during any ſuch reign, and ſhall not incur any penalty or forfeiture for the not taking or ſubſcribing the ſaid oaths.

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V. Provided always, That this act, or any thing herein contained, ſhall not extend to reſtore or intitle any perſon or perſons to any office or employment already actually avoided by judgment of any of his Majeſty's courts of record, or already filled up by any other perſon; but that ſuch office or employment ſhall be and remain in the perſon or perſons, who is or are now entitled by law to the ſame, as if this act had never been made.

VI. Provided, That nothing herein contained ſhall extend to any juſtice or juſtices of the peace, who ſhall be left out of any renewed or other commiſſion of the peace for any county or place, and ſhall afterwards be inſerted in any future commiſſion of the peace for the ſame county or place.

CHAP. XVII.

An Act for erecting new Chapels of Eaſe in the Pariſh of Armagh, and making ſuch Chapels, and thoſe that are already erected in the ſaid Pariſh, perpetual Cures; and for making a proper Proviſion for the Maintenance of perpetual Curates to officiate in the ſame.

Altered and amended by 11 & 12 *G.* 3. *c.* 16. *ſ.* 16. and by 13 & 14 *G.* 3. *c.* 27.

WHEREAS the preſent rectory of Armagh conſiſts of four large pariſhes, which were perpetually united in the reign of King Charles the firſt, when by the deſolation of that part of the kingdom and the want of inhabitants the antient pariſh of Armagh could not afford a competent maintenance for an incumbent: and whereas each of the ſaid pariſhes ſo united are of very large extent, and by the increaſe of the inhabitants the two churches or chapels of eaſe, now erected in the ſaid pariſh of Armagh are not ſufficient to accommodate the numbers, who might reſort to them for divine worſhip; and on account of the great diſtance, which many of them reſide at, they cannot conveniently reſort thereto: in order therefore that a ſufficient number of churches may be provided for the celebration of divine ſervice at convenient diſtances for the reſort of the inhabitants of the ſaid pariſh: be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament, and by the authority of the ſame, That it ſhall be lawful for his

The primate or ſucceſſors may erect new churches or chapels on reputed ancient ſites, and one other in city or liberties of Armagh.

his grace, Richard, lord archbiſhop of Armagh, or his ſucceſſors archbiſhops of Armagh, to erect or cauſe to be erected new churches or chapels on the reputed ancient ſites of the churches or chapels of the ſaid reſpective pariſhes, and one other church or chapel in the city or liberties of Armagh; and that it ſhall be lawful for the ſaid archbiſhop or his ſucceſſors by writing under his hand and archiepiſcopal ſeal with the conſent of the rector of Armagh for the time being under his hand and ſeal to ſet out and deſcribe the bounds and the ſeveral town lands, which ſhall be comprized within the reſpective diſtricts or new pariſhes, which ſhall belong to the cure of each of the ſaid new churches or chapels, and to thoſe which are already erected reſpectively, and to add one or more town lands, if judged convenient, to that church or chapel, which ſhall be erected for the city and liberties of Armagh; and from and after the time that ſuch new pariſhes ſhall be ſo ſet out and aſcertained by ſuch inſtrument, which ſhall be duly entered in the regiſtry of the ſaid dioceſe, and enrolled in the Roll's-office of this kingdom, for which enrolement the ſum of thirteen ſhillings and four pence, and no more, ſhall be paid over and above the expence uſually paid to the engroſſing clerk for the ſame, the ſaid ſeveral diſtricts, ſo ſet out and deſcribed, ſhall be deemed and reputed ſeveral and diſtinct pariſhes for the purpoſes in this act mentioned, and ſhall be reſpectively called and known by ſuch names, as ſhall be given to them by ſuch inſtrument; and the ſaid ſeveral churches or chapels, which are intended to be erected in the ſaid new pariſhes, and ſuch as are already erected in the ſaid pariſh of Armagh, ſhall be deemed perpetual cures; and the curates of each of them reſpectively when duly nominated and licenced, ſhall be capable of receiving any endowment from the ſaid archbiſhop of Armagh or his ſucceſſors, or from the rector of Armagh or his ſucceſſors, or any other bodies corporate or politick, or any other perſon or perſons, in ſuch manner as any curate of any impropriate or appropriate pariſh is by the laws now in being qualified to take the ſame; and each and every ſuch curate ſhall have perpetual ſucceſſion, and are hereby declared to be bodies politick and corporate, and made capable to receive and take any ſuch endowments in lands or tythes or both, or any ſuch augmentation as ſhall be granted to them and their ſucceſſors; and from and after the time that any of the ſaid cures ſhall be endowed with a ſuf-

and with rector's conſent under hands and ſeals ſet out the reſpective diſtricts of each cure,

may add town-lands to ſaid church of Armagh,

the inſtrument regiſter'd in the dioceſe,

and inrolled paying 13s. and 4d. extraordinary,

ſuch diſtricts, diſtinct pariſhes, named as in ſuch inſtrument,

perpetual cures,

the licenced curates capable of endowment,

with perpetual ſucceſſion, and bodies corporate,

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ficient quantity of glebe, it ſhall and may be lawful for ſuch curate with the approbation of the ſaid archbiſhop or his ſucceſſors, to make ſuch buildings and improvements on ſuch glebe, and he ſhall be entitled to receive ſuch proportion of the money expended in making or building the ſame from his next ſucceſſor, as any other incumbent is by the laws now in being entitled for buildings or improvements on the glebe of his benefice; and all ſuch proviſions for encouraging the making, building, and improvements on glebes belonging to the clergy ſhall extend to the ſaid curates reſpectively in the ſame manner, as they now do to any incumbent of any eccleſiaſtical benefice; and it ſhall be lawful for the truſtees and commiſſioners of the firſt fruits, and they are hereby required, to grant to any of the ſaid curates a ſum not exceeding one hundred pounds to enable ſuch curate to build ſuch houſe; which ſum the ſaid truſtees are empowered to grant, before ſuch houſe is begun to be built, upon an aſſurance that ſuch houſe ſhall be built upon a plan and eſtimate approved of by the ſaid archbiſhop, or his ſucceſſor, and by the ſaid truſtees.

may with archbiſhop's approbation build and improve on glebe, and have the uſual proportion from ſucceſſor, and like encouragement as other incumbents,

and 100l. from board of firſt fruits for building, advanced upon a plan approved.

II. And be it further enacted by the authority aforeſaid, That from and after the execution, regiſtry, and enrolement of ſuch inſtrument, as is before directed, it ſhall be lawful for the ſaid archbiſhop of Armagh or his ſucceſſors to appoint veſtries to be held for each of the ſaid intended new pariſhes; and the rector of Armagh or his curate ſhall give notice of ſuch veſtries to be held at ſuch place, as ſhall be thought moſt convenient, within the ſaid reſpective pariſhes or diſtricts, and at ſuch time or times, as ſhall be appointed in ſuch notice, ſhall be publiſhed in ſuch manner, as is uſual for convening veſtries for the preſent pariſh of Armagh, or by affixing the ſame on the doors of the cathedral church of Armagh, or by ſuch other ways and means as ſhall be thought neceſſary; and at the firſt veſtry ſo to be held for each of the ſaid new pariſhes two perſons ſhall be choſen for church wardens for each pariſh reſpectively, in ſuch manner as church wardens are uſually elected in the preſent pariſh of Armagh; and in caſe of failure in making ſuch election it ſhall be lawful for the ſaid archbiſhop or his ſucceſſors to nominate ſuch church wardens for each of the ſaid pariſhes, where ſuch failure ſhall happen; and ſuch church wardens, when ſo elected or nominated, ſhall continue in ſuch office for one year from the Eaſter next

Veſtries for each new pariſh

on notice,

churchwardens for each as uſual in Armagh,

on failure named by archbiſhop,

continued 1 year from Eaſter after,

next after ſuch election or appointment; and new church wardens ſhall be choſen annually in ſuch manner, as is uſual in the ſaid pariſh; and it ſhall be lawful for the rector of the ſaid pariſh of Armagh or his curate, and the church wardens, and the majority of the proteſtant inhabitants of each of the ſaid intended new pariſhes, aſſembled in veſtry, to aſſeſs ſuch ſums of money, as ſhall from time to time be neceſſary for erecting or building, and repairing the church or chapel of their reſpective pariſh; which money ſhall be aſſeſſed, applotted, and levied in ſuch manner, as ceſſes for building or repairing other churches are by the laws now in being directed to be raiſed.

choſen annually as uſual, aſſeſſment in veſtry for building and repairing the church, and levied as for other churches.

III. And be it further enacted by the authority aforeſaid, That as ſoon as the ſaid churches or chapels ſhall be erected and ſet apart for divine worſhip, the rector of Armagh for the time being ſhall nominate to the ſaid archbiſhop or his ſucceſſors a ſufficient curate for each ſuch pariſh, where ſuch church or chapel ſhall be ſo erected and ſet apart, which curate ſhall be approved of and licenſed by the ſaid archbiſhop or his ſucceſſors in ſuch manner, as other curates are by law to be licenſed and approved of; and upon every vacancy of any of the ſaid cures by the death or removal of ſuch curate, or by his acceptance of any other cure, or of any benefice with cure of ſouls, another curate ſhall be nominated and appointed in manner aforeſaid; and in caſe the ſaid rector of Armagh for the time being ſhall fail or neglect to nominate a curate for the ſpace of two months, after any of the ſaid churches or chapels ſhall be erected and ſet apart, or after any ſuch vacancy ſhall happen, it ſhall be lawful for the ſaid archbiſhop or his ſucceſſors to appoint and licence a curate for ſuch of the ſaid pariſhes and churches, where ſuch failure ſhall happen, and to allocate ſuch ſalary for every ſuch curate, ſo to be nominated or appointed and licenſed for any of the ſaid cures, as he is at preſent enabled to do by the laws now in being, over and above any endowment of the ſaid cures granted for the augmentation of the maintenance of any of the ſaid curates.

Rector may nominate curates, approved and licenced as others,

ſo on vacancy,

rector neglecting 2 months, archbiſhop may appoint and licence with ſalary beſides endowment.

IV. Provided, That if the ſaid rector of Armagh or his ſucceſſors ſhall by deed in writing with the conſent and approbation of the ſaid archbiſhop of Armagh or his ſucceſſors and the chapter of Armagh, teſtified by their being parties to and affixing their ſeals to ſuch writing, endow any of the ſaid cures with a competent portion of glebe or tythes for the maintenance of the curate, the ſaid rector of Armagh and his ſucceſſors ſhall from thenceforth be diſcharged from the payment of the ſalary to the curate, who ſhall be ſo endowed; ſuch writing to be regiſtered

Rector diſcharged from ſalary of curate endowed by him with glebe or tithes in writing (to which archbiſhop and chapter parties) regiſtered and inrolled as aforeſaid.

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in the regiſtry of the ſaid dioceſe, and enrolled in the rolls office in the chancery of this kingdom; for which enrollment the ſame fee herein before ſpecified, and no more, ſhall be paid.

Pariſhioners diſcharged from repairing other church or chapel,

V. And be it further enacted by the authority aforeſaid, That the inhabitants and pariſhioners of each of the ſaid intended new pariſhes, from the time ſuch churches or chapels ſhall be ſo erected in their pariſh, ſhall be diſcharged from the repairing any other church or chapel; and that the miniſter, church wardens, and the proteſtant inhabitants of each of the ſaid intended new pariſhes, or the major part of them in veſtry aſſembled, ſhall have power to elect all parochial officers in ſuch manner, as any of the inhabitants of any other pariſh are by law empowered, and to aſſeſs, applot, and levy upon the lands or inhabitants of their ſaid pariſh ſuch ſums of money, as may be requiſite for keeping their church or chapel in repair, and providing ſuch neceſſaries for the uſe of their reſpective churches, and the celebration of divine ſervice there, and to aſſeſs, applot, and levy ſuch ſalary for a pariſh clerk in each of the ſaid intended pariſhes in ſuch manner, as may by law be raiſed for the clerk of any other pariſh; and ſuch pariſh clerks in each of the ſaid intended pariſhes ſhall at all times be entitled to ſuch proviſion and maintenance, as the clerk of the pariſh of Armagh would be entitled to, in caſe this act had not been made; and ſuch pariſhes ſhall have all parochial rights by law appertaining to any other pariſhes; ſaving nevertheleſs to the rector of Armagh, and his ſucceſſors, all his and their right as rectors of Armagh.

parochial officers elected in veſtry, aſſeſſments for repairs and neceſſaries, and clerk's ſalary;

clerks proviſion as for clerk of Armagh if this act not made,

all parochial rights;

ſaving to rector of Armagh.

Rector not diſcharged from cure of ſouls and duties.

VI. Provided alſo, That this act ſhall not be conſtrued ſo as to diſcharge the ſaid rector of Armagh or his ſucceſſors from the cure of ſouls or any other parochial duties in any of the ſaid intended new pariſhes; but ſuch cure of ſouls and duties ſhall remain in him and them as before the paſſing this act.

CHAP.

A. D. 1767.

CHAP. XVIII.

An Act for the Relief of the Creditors of Theophilus Deſbriſay of the City of Dublin, eſquire.

WHEREAS the ſaid Theophilus Deſbriſay did for many years follow the buſineſs of an agent to ſeveral regiments of horſe, dragoons, and foot on the eſtabliſhment in this kingdom, and having contracted many debts, on the twenty ninth day of September one thouſand ſeven hundred and ſixty ſeven failed in his credit: and whereas the ſaid Theophilus Deſbriſay is far advanced in years, and not likely to live long, ſo that his effects may be embezzled, or a partial diſtribution made thereof after his death, wherefore for the more effectual relief of the creditors of the ſaid Theophilus Deſbriſay, and providing as far as may be for the payment of the debts due to them, and in order thereto that the eſtates real, freehold, and perſonal of the ſaid Theophilus Deſbriſay may be applied in or towards ſatisfaction of their debts in ſuch manner, as herein after is directed, at the humble petition of your Majeſty's dutiful ſubjects the right reverend Richard lord biſhop of Waterford, the right honourable Nathaniel Clements, his excellency ſir Joſeph York knight of the bath, ſir William Boothby baronet, major general John Severene, lieutenant general Peregrine Laſcelles, Thomas Bligh, and David Latouche eſquires, in behalf of themſelves and ſeveral other creditors of the ſaid Theophilus Deſbriſay, be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and ſingular the real, freehold, and perſonal eſtate in poſſeſſion, reverſion, and remainder of the ſaid Theophilus Deſbriſay, which he, or any perſon or perſons in truſt for him, was or were ſeized, poſſeſſed, intereſted in, or intitled unto on the ſaid twenty ninth day of September in the year of our Lord one thouſand ſeven hundred and ſixty ſeven, excepting ſuch parts of the ſaid real, freehold, and perſonal eſtates as have been really and *bona fide*, aliened, aſſigned, and made over for good and valuable conſideration for the payment of any part of the debts of the ſaid Theophilus Deſbriſay, be veſted in Robert Hellen and Hugh Carleton eſquires, barriſters at law, and in John Carleton Whitlocke, William Montgomery, Stephen Wybrants, and Francis Hopkins, eſquires, being truſtees appointed to put this act in execution, their heirs, executors, and adminiſtrators,

Eſtates of Theophilus Deſbriſay on 29 Sept. 1767, veſted in truſtees,

except *bona fide* and for valuable conſideration aliened for debts.

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tors, in such manner and for such purposes as herein after are mentioned.

Bona fide creditors by specialty or simple contract may exhibit claims before 3 trustees,

II. And be it further enacted by the authority aforesaid, That all and every person and persons whatsoever, who have or hath, or claim or claims to have, any demand upon or out of all or any of the real, freehold, and personal estates, vested in the said trustees, by mortgage, judgment, bond, or other specialty, or by notes or bills of exchange, or other simple contract, or any other ways as *bona fide* creditors, shall and may on and before the twenty ninth day of September in the year one thousand seven hundred and sixty eight enter and exhibit his, her, and their claim and claims before the said trustees, or any three or more of them, setting forth their several and respective demands, and the nature thereof, and how much he, she, or they claim or claims to be due to them respectively; which claims they the said trustees, or any three or more of them, are hereby impowered and required to receive, and to examine and determine the same in a summary way before the twenty fifth day of March one thousand seven hundred and sixty nine; except such of them as shall be agreed or compounded by and between the said claimants and the said trustees, or any three or more of them.

determined summarily before 25 March 1769, unless compounded with 3 trustees.

Trustees to examine on oath witnesses or claimants,

may summon witnesses,

III. And for the better executing the said trust be it further enacted by the authority aforesaid, That the said trustees, or any three or more of them, shall and may examine upon oath all and every such witness and witnesses, as shall be produced before them, for or against any such claimant or claimants; and at the request of any of the parties concerned may by writing under the hands of the said trustees, or any three or more of them, order any witness or witnesses for or against any such claimant or claimants to appear and give their testimony before them; and may likewise examine all and every such claimant and claimants upon oath concerning the truth of the matter contained in the said respective claims, or any other matter relating thereunto; which said oath or oaths they the said trustees, or any three or more of them, are hereby impowered to administer as well to the said witness or witnesses as to the said claimant or claimants; and that the said trustees, or any three or more of them, shall and may take any affidavits, and administer oaths to that purpose, touching and concerning the service of their orders, notices, and summonses; and shall and may state and settle accounts with the said several creditors, or any of them, touching or concerning his, her, or their claim or claims and demands, and the several sums which shall then have been by them or any of them had or received for or on account of the said debts respectively, and

take affidavits,

and settle accounts with creditors.

thereupon adjudge and determine, how much is then really due and owing to ſuch creditor or creditors ſo claiming as aforeſaid.

IV. And be it further enacted by the authority aforeſaid, that the ſaid truſtees, or any three or more, or the ſurvivors of them, ſhall be and are hereby authorized and required to ſell and diſpoſe of the ſaid real, freehold, and perſonal eſtates, or ſo much thereof as ſhall be neceſſary, and to call in, ſue for, and compound the debts due to the ſaid Theophilus Deſbriſay, in truſt to apply the money ariſing thereby, as ſoon as conveniently may be, in the firſt place to defray the expences of paſſing this act, and then to ſatisfy all diſburſements attending the execution of the ſame, and all expences of ſuing for the real, freehold, or perſonal eſtates, or collecting the debts, or ſuing any of the debtors of the ſaid Theophilus Deſbriſay, and to pay ſuch of the ſaid truſtees, as ſhall act in execution of this act, four pence in the pound for all ſums of money, which ſhall be raiſed, collected, or received out of all or any of the real, freehold, and perſonal eſtates, or other the effects of the ſaid Theophilus Deſbriſay veſted in the ſaid truſtees, as a recompence for their trouble; and after all ſuch claims ſhall be adjuſted, determined, or barred, to apply the reſidue towards payment of all the unſatisfied debts of the ſaid Theophilus Deſbriſay, which ſhall be adjuſted and determined in manner herein ſet forth rateably and in equal proportion.

Sell,

ſue and compound debts,

firſt for expences of this act, and of ſuits,

and 4d. per £ to acting truſtees,

reſidue to unſatisfied debts.

V. Provided always, and be it further enacted by the authority aforeſaid, That if the ſaid Theophilus Deſbriſay, or any of the claimant or claimants, or any other perſon or perſons ſhall think him, her, or themſelves aggrieved by any judgment or determination of the ſaid truſtees, or any three or more of them, of or concerning any debts or the quantum thereof, or the ſtating or ſettling the account thereof, or any other determination of the ſaid truſtees, it ſhall and may be lawful to and for ſuch perſon or perſons by petition to the lord chancellor, lord keeper, or commiſſioners for hearing cauſes in the high court of chancery in this kingdom for the time being, at any time within the ſpace of thirty days after ſuch judgment or determination pronounced to appeal from ſuch judgment or determination; which appeal the ſaid lord chancellor, lord keeper, or commiſſioners ſhall examine, hear, and determine in a ſummary way before the twenty fourth day of June one thouſand ſeven hundred and ſixty nine; and ſhall and may, in caſe ſuch appeal ſhall appear to be frivolous or vexatious, order and decree ſuch coſts, as in his or their diſcretion ſhall ſeem reaſonable, to the perſon or perſons aggrieved

Appeal from truſtees to chancery in 30 days,

determined ſummarily before 24 June 1769,

coſts on frivolous appeal,

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aggrieved by ſuch frivolous or vexatious appeal: and the judgment or decree of ſuch lord chancellor, or lord keeper, or commiſſioners as aforeſaid, and alſo the judgment and determination of the ſaid truſtees, or any three or more of them, if not reverſed by the ſaid lord chancellor, lord keeper, or commiſſioners, ſhall be final and concluſive to all perſons concerned; and that where coſts ſhall be ordered or decreed as aforeſaid, ſuch and the like proceſs ſhall iſſue for recovery thereof againſt the perſon or perſons, againſt whom ſuch coſts ſhall be ordered or decreed, as iſſue for the recovery of coſts under decrees made in the high court of chancery.

the judgment final,

uſual proceſs for coſts.

VI. And be it further enacted by the authority aforeſaid, That all and every the creditor and creditors aforeſaid, who ſhall not on or before the twenty ninth day of September, which ſhall be in the year of our Lord one thouſand ſeven hundred and ſixty eight, exhibit his, her, or their claim or claims before the ſaid truſtees, or any three of them, and whoſe claim or claims ſhall not be proſecuted with effect before the ſaid truſtees, or any three or more of them, before the ſaid twenty fifth day of March in the year of our Lord one thouſand ſeven hundred and ſixty nine, or in caſe of any appeal to the ſaid lord chancellor, or lord keeper, or commiſſioners for hearing cauſes in the ſaid high court of chancery in this kingdom, before the twenty fourth day of June in the year of our Lord one thouſand ſeven hundred and ſixty nine, ſhall be and are hereby declared and adjudged to be utterly barred of any remedy for recovery of his, her, or their demand or demands either at law or in equity out of all or any the eſtates or effects veſted in the ſaid truſtees.

Creditors, not claiming or proſecuting in time, barred.

VII. And be it further enacted by the authority aforeſaid, That due notice ſhall be given of the time limited by this act for the exhibiting ſuch claims and appeals by the ſaid truſtees, or any three or more of them, before the firſt day of July next by poſting advertiſements in the Tholſel and in the four courts in Dublin, and cauſing the ſame to be publiſhed in the Dublin Gazette from time to time for three weeks before the ſaid twenty ninth day of September one thouſand ſeven hundred and ſixty eight.

Notice poſted and publiſhed by truſtees.

VIII. And be it further enacted by the authority aforeſaid, That the ſaid truſtees, or any three or more of them, ſhall and may by writing under their hands and ſeals order any perſon or perſons, who ſhall have in their cuſtody or power any books, accounts, papers, or writings, which the ſaid truſtees, or any three or more of them, ſhall think neceſſary to be produced in order

Truſtees may under hand and ſeal order books, writings, &c. to be produced on oath.

to the ſettling of the ſaid accounts, and the adjuſting the claims hereby before directed, to produce the ſame upon oath, which oath the ſaid truſtees, or any three or more, are hereby impowered to adminiſter, before the ſaid truſtees, or any three or more of them, and to depoſite with their regiſter, clerk, or book keeper all ſuch books, accounts, papers, and writings, as aforeſaid; and that all and every perſon or perſons intereſted in the ſaid claims or accounts ſhall have free liberty to reſort to the ſaid books, accounts, papers, and writings in the hands of the regiſter, clerk, or book keeper to the ſaid truſtees, and to make uſe of the ſame, and to take copies thereof at their own expence, as occaſion ſhall require.

and depoſited with their regiſter,

perſons intereſted may reſort thereto, and take copies at their expence.

IX. And be it further enacted by the authority aforeſaid, That the ſaid truſtees, or any three or more of them, by writing under their hands and ſeals ſhall and may nominate and appoint one or two perſon or perſons to officiate under them during pleaſure in the capacity of regiſter, clerk, or book keeper, who ſhall keep one or more book or books, and make and keep regular entries of all their proceedings in execution of this act, and in particular of all the ſaid claims and adjudications, and all matters relating thereto, and audite, ſtate, ſettle, and report the accounts of the aforeſaid creditors; and that the ſaid regiſter, clerk, or book keeper ſhall have reaſonable allowance for their ſaid ſervice or ſervices out of the money ariſing out of the real, freehold, or perſonal eſtates of the ſaid Theophilus Deſbriſay, as the ſaid truſtees, or any three or more of them, ſhall by writing under their hands and ſeals direct and appoint, and which the ſaid truſtees, or any three of them are hereby empowered and directed to pay.

Truſtees may appoint regiſters or clerks with reaſonable ſalary out of the eſtate.

X. And be it further enacted by the authority aforeſaid, That the ſaid Theophilus Deſbriſay do and ſhall on or before the firſt day of July in the year one thouſand ſeven hundred and ſixty eight deliver in upon oath to the ſaid truſtees, or any three or more of them (which oath the ſaid truſtees or any three or more of them are hereby authorized and empowered to adminiſter) a true and exact inventory or particular of all and ſingular the real, and freehold, and perſonal eſtates, which he the ſaid Theophilus Deſbriſay, or any perſon or perſons in truſt for him, was or were ſeized or poſſeſſed of, intereſted in, or entitled unto on the ſaid twenty ninth day of September in the year one thouſand ſeven hundred and ſixty ſeven, or at any time ſince, without any wilful concealment or omiſſion, the neceſſary wearing apparel of the ſaid Theophilus Deſbriſay and his wife only excepted; and that the ſaid Theophilus Deſbriſay ſhall and will upon notice

T. Deſbriſay to deliver inventory on oath by 1ſt July 1768, without concealment or omiſſion, his and his wife's apparel excepted,

and in 10 days after notice by truſtees all ſecurities, debts, and books of account, examined on oath,

to him given by the ſaid truſtees, or any three or more of them, within ten days after ſuch notice ſerved deliver in to the ſaid truſtees, or any three or more of them, all mortgages, bills, bonds, notes, and ſecurities, and a liſt of all debts due and owing to him by book account or otherwiſe, and all books of accounts in his cuſtody or power; and that it ſhall and may be lawful to and for the ſaid truſtees, or any three or more of them, to examine the ſaid Theophilus Deſbriſay upon oath, which oath the ſaid truſtees, or any three or more of them, are hereby empowered to adminiſter, concerning ſuch eſtates, real, freehold, and perſonal, of which the ſaid Theophilus Deſbriſay was ſeized of, intereſted in, or entitled unto, either in law or equity on the ſaid twenty ninth day of September one thouſand ſeven hundred and ſixty ſeven, and concerning ſuch mortgages, bills, bonds, notes, ſecurities, debts, books of account, and accounts as aforeſaid; and in caſe the ſaid Theophilus Deſbriſay ſhall refuſe or neglect to give in ſuch particular or inventory as aforeſaid, or ſhall be guilty of any wilful concealment or omiſſion therein, or refuſe to be examined before the ſaid truſtees, or any three or more of them, touching or concerning the ſame, or upon ſuch examination, and ſhall be wilfully forſworn, or ſhall neglect or refuſe to bring in, and depoſite ſuch ſecurities and books of accounts as aforeſaid, then and in ſuch caſe he the ſaid Theophilus Deſbriſay ſhall be adjudged guilty of felony.

his neglect, refuſal, concealment, or omiſſion, or if forſworn, felony.

On giving inventory, ſubmitting to be examined, and delivering all in his power with true diſcovery as to the reſidue, truſtees to certify,

XI. And be it further enacted by the authority aforeſaid, That upon the ſaid Theophilus Deſbriſay's delivering or giving in ſuch inventory, and ſubmitting to be examined as aforeſaid, to the ſatisfaction of the ſaid truſtees or any three or more of them, and upon his delivering or cauſing to be delivered to the ſaid truſtees, or any three or more of them, all his eſtate and effects, or ſo much thereof as at the time of his examination ſhall be in his cuſtody or power, to be applied to the uſes of this act, and upon his making a true and faithful diſcovery to whom, upon what account, and for what conſideration, the reſidue thereof hath been diſpoſed of, and on his delivering up as aforeſaid the ſaid mortgages, bills, bonds, notes, ſecurities, liſt of debts, and accounts, then and in ſuch caſe it ſhall and may be lawful to and for the ſaid truſtees, or any three or more of them, to certify the ſame under their hands and ſeals; from which time the ſaid Theophilus Deſbriſay, and all ſuch eſtate as he ſhall afterwards purchaſe or acquire, ſhall be abſolutely freed, exonerated, and diſcharged of and from all debts, ſum and ſums of money, due and owing to any creditor or creditors of the ſaid Theophilus Deſbriſay, any thing herein contained

then diſcharged from debts, and his eſtate after acquired,

tained to the contrary in any wiſe notwithſtanding: and that it ſhall and may be lawful to and for the ſaid truſtees, or any three or more of them, to grant a protection to the ſaid Theophilus Deſbriſay during his attendance on them, which protection ſhall be taken notice of and allowed in all courts, and by all ſheriffs, and other officers of juſtice; and that from the time of obtaining ſuch certificate as aforeſaid the ſaid Theophilus Deſbriſay ſhall not be impriſoned or moleſted by reaſon of any judgment or decree, or for any debt, damages, contempts, coſts, ſum or ſums of money, contracted, incurred, or growing due before the twenty ninth day of September one thouſand ſeven hundred and ſixty ſeven reſpectively; but that on every ſuch arreſt or commencement of ſuch ſuit, or iſſuing of execution or proceſs founded on any ſuch judgment or decree, the judge of the court, where the proceſs or execution iſſued, upon ſhewing the ſaid certificate ſo ſigned and ſealed by the ſaid truſtees or any three or more of them, ſhall releaſe and diſcharge the ſaid Theophilus Deſbriſay out of cuſtody, and ſuperſede and ſtay all further proceedings for the recovery of ſuch debts, or any of them, which in any ſort may effect any lands, goods, or chattles, which the ſaid Theophilus Deſbriſay ſhall after the obtaining ſaid certificate purchaſe or acquire.

protection by truſtees during his attendance, after certificate not moleſted for debt &c. before 29 Sept. 1767,

on ſhewing certificate diſcharged, and proceſs ſtaid.

XII. And be it further enacted by the authority aforeſaid, That if any perſon or perſons, who ſhall make affidavit or be examined upon oath by or before the ſaid truſtees or any three or more of them in purſuance of this act, ſhall be wilfully forſworn, and be thereof lawfully convicted, ſuch perſon or perſons ſhall be ſubject and liable to the penalties and puniſhment inflicted by an act paſſed in this kingdom in the twenty eighth year of the reign of Queen Elizabeth, entitled, *An act concerning wilful perjury.*

Penalties for perjury as by 28 Eliz. c

XIII. And be it further enacted by the authority aforeſaid, That no perſon herein before named a truſtee, or who ſhall be nominated regiſter, clerk, or book keeper, purſuant to this act, ſhall be capable of acting as ſuch, or executing any of the powers herein contained, until ſuch time as he ſhall have taken the following oath, that is to ſay;

Oath by truſtees, regiſter, or clerk, adminiſtered by lord Chan.

I A. B. *do ſwear, that I will faithfully and impartially according to the beſt of my ſkill and knowledge without any reſpect, favour, reward, affection, malice or ill will to, for, or from any perſon whatſoever (ſave only ſuch reward as is provided by this act) execute the truſts repoſed in me by* An act for the relief of the creditors of Theophilus Deſbriſay of the city of Dublin, eſquire.

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which oath ſhall be adminiſtered to the ſaid truſtees, regiſter, clerk, or book keeper reſpectively by the ſaid lord chancellor, lord keeper, or commiſſioners for hearing cauſes in the high court of chancery in this kingdom, for the time being.

Diſobeying orders of truſtees, not appearing, or not ſatisfactorily anſwering lawful queſtions, &c. impriſonment till performance,

XIV. And be it further enacted by the authority aforeſaid, That if any perſon or perſons whatſoever ſhall wilfully diſobey any of the orders of the ſaid truſtees or any three or more of them, which by this act they are empowered to make, or when duly ſummoned ſhall neglect or refuſe to appear before the ſaid truſtees or any three or more of them to be examined, or ſhall refuſe to anſwer to the ſatisfaction of the ſaid truſtees or any three or more of them all lawful queſtions put to him, her, or them by the ſaid truſtees, or any three or more of them, as well by word of mouth as by interrogatories or otherwiſe, or ſhall refuſe to ſign or ſubſcribe his, her, or their examination taken down or reduced into writing by the aforeſaid clerk or regiſter, not having a reaſonable objection, to be allowed by the ſaid truſtees or any three or more of them, it ſhall and may be lawful for the ſaid truſtees or any three or more of them to iſſue their warrants under their hands and ſeals to ſuch perſon or perſons, as they ſhall think fit, to apprehend any perſon or perſons ſo diſobeying their ſaid orders, or for not appearing, or refuſing to be examined, or not anſwering when on their examinations to the ſatisfaction of the ſaid truſtees, any three or more of them, and to commit ſuch perſon or perſons to any priſon in the city of Dublin, there to remain without bail or mainprize, until ſuch perſon or perſons ſhall obey their ſaid orders or be diſcharged by the ſaid truſtees, or any three or more of them.

Gaoler ſuffering eſcape to forfeit 50l. towards expence of this act,

XV. And be it further enacted by the authority aforeſaid, That if any gaoler or keeper of any priſon, to whom any ſuch perſon or perſons ſhall be committed as aforeſaid, ſhall wilfully ſuffer ſuch perſon or perſons to eſcape from ſuch priſon, or go without the walls or doors of ſuch priſon, until he, ſhe, or they ſhall be duly diſcharged as aforeſaid, ſuch gaoler or keeper ſhall for ſuch offence upon being duly convicted thereof by indictment forfeit the ſum of fifty pounds lawful money of Great Britain, to be paid to the ſaid truſtees, or any three or more of them, and to be applied towards the expence of paſſing this act.

Truſtees may compound and recover debts, and take poſſeſſion,

XVI. And for the more eaſy and better calling in, compounding or recovering all or any of the debts of the ſaid Theophilus Deſbriſay, and alſo for obtaining and recovering of the poſſeſſion of all or any of the real, freehold, and perſonal eſtates, by this act veſted in the ſaid truſtees, or the rents and profits thereof,

thereof, and be it further enacted by the authority aforeſaid, That the ſaid truſtees, or any three or more of them, may call in, compound, and receive, ſue for, and recover all or any of the ſaid debts, and take and receive, or ſue for and recover, the poſſeſſion of all or any of the real, freehold, and perſonal eſtates, or the rents and profits thereof; and that all ſuits either in law or equity for that purpoſe may be commenced and proſecuted in the name or names of any perſon or perſons, to be nominated for that purpoſe by the ſaid truſtees or any three or more of them; and that all proceedings in the name or names of ſuch perſon or perſons, ſo to be nominated for that purpoſe by the ſaid truſtees or any three or more by virtue of this act, ſhall be good and effectual to all intents and purpoſes, as if ſuch ſuits or proceedings had been carried on in the names of the ſaid truſtees or any three or more of them: and in caſe of the death of any perſon or perſons ſo nominated another perſon or perſons ſhall be nominated as aforeſaid, and the ſuit or ſuits ſhall not abate; and that no perſon or perſons, who ſhall be ſued either at law or in equity by the ſaid truſtees or any three or more of them, or by any perſon or perſons to be appointed by them as aforeſaid, ſhall have any privilege of Parliament, ſave only as to the perſons of ſuch perſons ſo ſued, as are members of Parliament, any law, uſage, or cuſtom to the contrary notwithſtanding.

nominate perſons to ſue,

as effectual as if truſtees names,

no abatement by death; another nominated,

no privilege of Parliament, ſave as to perſon.

XVII. And be it further enacted by the authority aforeſaid, That the ſaid truſtees or any three or more of them ſhall and may at all times, while the ſaid debts or any of them remain veſted in them by this act, be at liberty to ſue for and recover the debts ſo due purſuant to and according to the powers hereby given, and ſhall and may notwithſtanding any ſtatute of limitation, or any law or cuſtom to the contrary, ſue for and recover the ſaid debts ſo due, and every of them; and that no ſtatutes or ſtatute of limitation ſhall be pleaded, or relied on, or any way made uſe of in any court of law or equity, to bar or in any ſort affect the ſaid debts or any of them, while the ſame or any of them remain in the ſaid truſtees, or any three or more of them, by virtue of this act.

No bar by ſtatute of Limitation,

XVII. And be it further enacted by the authority aforeſaid, That all and every perſon and perſons, who on or before the ſaid twenty ninth day of September in the year of our Lord one thouſand ſeven hundred and ſixty ſeven was entitled to any mortgage, bond, judgment, or execution, or executions, which affected or might affect any lands, goods, or chattles of the ſaid Theophilus Deſbriſay, may ſue for and recover their ſaid reſpective demands in like manner out of the real, freehold, and perſonal eſtates of the ſaid Theophilus Deſbriſay, as they might, if this act had never

Saving to mortgagees, &c. on 29 Sept. 1767.

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never been made; and that nothing herein contained ſhall extend to diſcharge any perſon or perſons jointly or otherwiſe chargeable or bound with or for the ſaid Theophilus Deſbriſay, or the eſtates, real, freehold, or perſonal of ſuch perſon or perſons on the ſecurities or ſecurity entered into or executed by them or any of them; but that ſuch perſon and perſons, their and each of their eſtates, real, freehold, and perſonal, and the ſecurities ſo entered into or executed by them and each of them, ſhall be and remain chargeable and liable, as if this act had never been made.

co-obligors not diſcharged.

Truſtees not accountable for each other,

XIX. And be it further enacted by the authority aforeſaid, That the ſaid truſtees ſhall be accountable only for what they ſhall reſpectively receive, and not one of them for the receipts of any other of the ſaid truſtees, or for any loſs that may ariſe by means of their depoſiting in any known bank of the city of Dublin any of the money, by them received out of all or any of the eſtates hereby veſted or intended to be veſted in the ſaid truſtees.

nor for loſs on depoſit in known Dublin bank.

Surviving truſtees on death or refuſal may nominate, with like powers.

XX. Provided always, and be it further enacted by the authority aforeſaid, That in caſe it ſhall happen, that one or more of them the ſaid truſtees ſhall die or refuſe to act, That it ſhall and may be lawful to and for the ſurvivors of them, or any three or more of them, by writing under their hands and ſeals to nominate and appoint a truſtee or truſtees in the room and ſtead of the truſtees or truſtee, who ſhall ſo happen to die or refuſe to act; and that ſuch truſtee or truſtees, who ſhall be ſo nominated as aforeſaid, ſhall from the time of ſuch nomination be deemed and taken as a truſtee or truſtees to all intents and purpoſes as fully, as if he or they had been named a truſtee or truſtees in this act, and ſhall from the time of taking the oath herein before directed to be taken by the ſaid truſtees, (and which oath is to be adminiſtered to him in manner aforeſaid) have ſuch powers and authorities touching and concerning the ſeveral matters in this act mentioned, as are veſted by this act in any of the truſtees herein before named; and that ſuch power of nomination of new truſtees as aforeſaid, in the like caſe as is herein before provided for, be and is hereby veſted in the ſurvivors of the ſaid truſtees herein before named and in the other truſtees to be nominated in manner aforeſaid in purſuance of this act, until the ſame ſhall be fully executed.

Saving to the wife of T. Deſbriſay under marriage articles,

XXI. Provided alſo, That nothing in this act contained ſhall extend or be conſtrued to extend to affect Magdalen Deſbriſay, wife of the ſaid Theophilus Deſbriſay, or to bar, defeat, or prejudice any right, claim, title, or intereſt, which the ſaid Magdalen hath or may have to any part of the real, freehold, and

perſonal eſtates of the ſaid Theophilus Deſbriſay under certain articles made previous to and in conſideration of his intermarriage with the ſaid Magdalen Deſbriſay; for which purpoſe the ſaid Magdalen Deſbriſay ſhall and may exhibit her claim before the ſaid truſtees within ſuch time and in ſuch manner, as is herein before directed concerning the other claimants and creditors of the ſaid Theophilus Deſbriſay; and the ſaid truſtees, or any three or more of them, are hereby impowered and directed to hear and determine the ſame in like manner as the other claims. A. D. 1767. to exhibit her claim.

XXII. And be it further enacted by the authority aforeſaid, That this act, and all and every clauſe and clauſes therein contained, or any part thereof, ſhall be deemed and taken notice of in all courts of law and equity in this kingdom as a publick act of Parliament. A publick act.

XXIII. And be it further enacted by the authority aforeſaid, That if there ſhall be any overplus of the money ariſing by the ſale or produce of the real, freehold, and perſonal eſtates and effects of the ſaid Theophilus Deſbriſay, veſted in the ſaid truſtees as aforeſaid, after performance of all the truſts of this act, the ſame ſhall go along and be applied to and for the uſe and benefit of the ſaid Theophilus Deſbriſay, his executors, adminiſtrators, or aſſigns: ſaving always to the King's moſt excellent Majeſty, and to all and every other perſon and perſons, bodies politick and corporate (except ſuch as claim or derive under the ſaid Theophilus Deſbriſay, and whoſe rights are not herein before ſaved) all ſuch right, title, and intereſt, as they or any of them might have had, in caſe this act had never been made. Surplus to uſe of T. Deſbriſay, ſaving the rights of others.

CHAP. XIX.

An Act for Licenſing Hawkers and Pedlars, and for Encouragement of Engliſh Proteſtant Schools.

WHEREAS the continuing the encouragement formerly given to Engliſh proteſtant ſchools will be of great benefit to this kingdom; and it is reaſonable, that ſome publick fund ſhould be applied and ſet apart for that purpoſe: therefore be it enacted by the King's moſt excellent Majeſty by and with the advice *Expired 24th June 1770.*

A. D. 1767. Chap. 19.

and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the twenty fourth day of June one thouſand ſeven hundred and ſixty eight until the twenty fourth day of June one thouſand ſeven hundred and ſeventy ſhall be anſwered and paid unto your Majeſty, your heirs and ſucceſſors, by every hawker, pedlar, petty chapman, or other trading perſon or perſons, going from town to town, or to other men's houſes, and travelling either on foot, or with horſe, horſes, or otherwiſe, in this kingdom, (except as herein after mentioned) carrying to ſell or expoſing to ſale any goods, wares, or merchandizes, a duty of twenty ſhillings by the year; and that every perſon ſo travelling with a horſe, aſs, or mule, or any other beaſt bearing or drawing burthen, ſhall pay the ſum of twenty ſhillings by the year from the twenty fourth day of June one thouſand ſeven hundred and ſixty eight to the twenty fourth day of June one thouſand ſeven hundred and ſeventy for each horſe, aſs, or mule, or other beaſt bearing or drawing burthen, he or ſhe ſhall ſo travel with, over and above the ſaid firſt mentioned duty of twenty ſhillings by the year; which ſaid rates and duties ſhall be collected by ſuch perſon and perſons, and in ſuch manner, and by ſuch ways and means, as the duty payable for licenſes to keep ale houſes is raiſed and collected by virtue of an act made in this kingdom in the thirty third year of the reign of his late Majeſty King George the ſecond, intituled, *An act for better regulating the collection of his Majeſty's revenue, and for preventing of frauds therein, and for repealing an act made in the laſt ſeſſion of Parliament*, intituled, *An act for continuing and amending ſeveral laws heretofore made relating to his Majeſty's revenue, and for the more effectual preventing of frauds in his Majeſty's cuſtoms and exciſe, and the ſeveral acts and ſtatutes which are mentioned in the ſaid act, and continued thereby*, as fully to all intents and purpoſes as if the proviſions in the ſaid act for that purpoſe were particularly mentioned, and expreſſed, and enacted again in the body of this preſent act.

II. And be it further enacted by the authority aforeſaid, That every pedlar, hawker, petty chapman, and other trading perſon or perſons ſo travelling as aforeſaid, ſhall before the twenty fourth day of June one thouſand ſeven hundred and ſixty eight and ſo likewiſe in every year, deliver or cauſe to be delivered to the collector of exciſe of the diſtrict, where he or ſhe ſhall reſide or dwell, a note in writing under his or her hand, or under the hand of ſome perſon by her or him authorized in that behalf, how and in what manner he or ſhe intends to travel and trade, whether on foot or with one or more horſe or horſes, aſs or aſſes, mule or mules, or any other beaſt or beaſts bearing or drawing burthen, for his or her ſo travelling and trading; for which he or ſhe ſhall thereupon pay or cauſe to be paid unto ſuch collector

collector the yearly duty herein before directed to be payable for the ſame, and thereupon a licenſe ſhall be granted unto him or her ſo to travel or trade by ſuch collector.

III. And be it further enacted by the authority aforeſaid, That if any ſuch hawker, pedlar, or petty chapman, from and after the ſaid twenty fourth day of June one thouſand ſeven hundred and ſixty eight be found trading as aforeſaid without or contrary to ſuch licence, ſuch perſon ſhall for each and every ſuch offence forfeit the ſum of five pounds; one moiety thereof to the informer, and the other moiety to the Incorporated Society in Dublin for promoting Engliſh proteſtant ſchools; and that if any perſon ſo trading upon demand made by any juſtice of the peace, mayor, conſtable, or other officer of the peace of any county, city, town-corporate, or borough, where he or ſhe ſhall ſo trade, ſhall refuſe to produce and ſhew immediately unto ſuch juſtice of the peace, mayor, conſtable, or other officer of the peace, ſo demanding the ſame, his or her licence for ſo trading, to be granted as aforeſaid, that then the perſon ſo refuſing ſhall forfeit twenty ſhillings to be paid to the informer, and for nonpayment thereof ſhall ſuffer as a common vagrant, and be committed to the houſe of correction.

IV. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid collectors of the ſeveral diſtricts in this kingdom reſpectively, and they are hereby reſpectively directed, appointed, and required, upon the terms aforeſaid, and upon the receipt as aforeſaid, to grant a licence under their reſpective hands to every hawker, pedlar, petty chapman, or any other trading perſon, for him or herſelf, with one or more horſes, aſſes, mules, or beaſts, which he, ſhe, or they ſhall travel with, as the caſe ſhall require; for which licence there ſhall be taken by ſuch collectors for their own uſe, one ſhilling, and no more, except ſuch hawker, pedlar, or petty chapman, ſhall travel with horſe, aſs, or mule, or any other beaſt bearing or drawing burthen, and in that caſe there ſhall be paid to ſuch collectors for their own uſe for ſuch licence two ſhillings, and no more, over and above the duties aforeſaid; and that the ſaid collectors ſhall keep ſeparate and diſtinct accounts of the duties hereby granted, and pay the money ariſing thereby into your Majeſty's treaſury, as other money received by them for the uſe of your Majeſty.

V. And be it further enacted by the authority aforeſaid, That the ſaid collectors ſhall be accountable to your Majeſty for the duties hereby granted, and ſhall be ſubject to the like penalties and forfeitures for not rendering a true account thereof

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and paying the ſame in manner afore-mentioned, as they are and ſtand liable unto for not rendering a true account of any money received by them for the uſe of your Majeſty.

VI. And be it further enacted by the authority aforeſaid, That the monies ariſing from the ſaid duties hereby granted ſhall from time to time be brought into the receipt of your Majeſty's Exchequer, and ſhall from time to time without any fee or deduction whatſoever be paid by the vice-treaſurer or receiver-general of this kingdom to the Incorporated Society in Dublin for promoting Engliſh proteſtant ſchools, or to their treaſurer for the time being, for the uſe of the ſaid Incorporated Society.

VII. And be it further enacted by the authority aforeſaid, That if any perſon or perſons whatſoever ſhall forge or counterfeit, or cauſe to be forged or counterfeited, any licence or licences for the purpoſes aforeſaid, or travel with ſuch forged or counterfeited licence or licences, knowing the ſame to be forged or counterfeited, ſuch perſon ſhall forfeit the ſum of fifty pounds, one moiety thereof to the King, and the other moiety to him who ſhall proſecute or ſue for the ſame, to be recovered by action of debt, bill, plaint, or information in any of his Majeſty's courts of record at the four courts in Dublin, in which no eſſoign, protection, or wager of law, or more than one imparlance, ſhall be allowed, and ſhall be ſubject to ſuch other pains and penalties, as may be inflicted on perſons for forgery.

VIII. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall be ſued, moleſted, or troubled for putting in execution any of the powers contained in this act, or for doing any matter or thing purſuant thereto, ſuch perſon or perſons ſhall and may plead the general iſſue not guilty, and give the ſpecial matter in evidence; and if the plaintiff or plaintiffs ſhall be nonſuited, or judgment be given againſt him or them upon demurrer or otherwiſe, or a verdict paſs for the defendant or defendants, or a diſmiſs upon a civil bill, ſuch defendant or defendants ſhall have his, her, or their treble coſts, to be recovered in ſuch manner as where by law coſts are given to defendants.

IX. And be it further enacted by the authority aforeſaid, That if any conſtable ſhall refuſe or neglect upon due notice or on his own view to be aiding and aſſiſting in the execution of this act, being thereunto required, every ſuch conſtable, being thereof convicted by the oath of one or more credible witneſs or witneſſes before any

juſtice of the peace for the county or place, where ſuch offence ſhall be committed, ſhall forfeit for each and every ſuch offence contrary to this act the ſum of forty ſhillings, to be levied by diſtreſs and ſale of the offenders goods by warrant under the hand and ſeal of ſuch juſtice of the peace; one moiety whereof to be paid to the ſaid Incorporated Society, the other moiety to the informer who ſhall proſecute for the ſame, rendering the overplus thereof to the owner, if any be.

X. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for any perſon or perſons whatſoever to ſeize and detain any ſuch hawker, or pedlar, petty chapman, or other trading perſon or perſons as aforeſaid, and alſo the goods they ſhall be found trading with, until ſuch time as he, ſhe, or they ſhall produce a licence in that behalf, if he, ſhe, or they have any: and if he, ſhe, or they ſhall be found trading without licence contrary to this act, that then it ſhall and may be lawful to and for ſuch perſon or perſons, ſo ſeizing as aforeſaid, taking to his or their aſſiſtance ſuch perſon or perſons as he or they ſhall think fit, to carry the perſon ſo ſeized, as alſo the ſaid goods, before ſome one of his Majeſty's juſtices of the peace for the county or place, or before the collector of his Majeſty's revenue for the diſtrict where ſuch offence or offences ſhall be committed, which ſaid juſtice of the peace and collector reſpectively are hereby ſtrictly required either upon the confeſſion of the party offending, or due proof of a witneſs upon oath, which they are hereby reſpectively impowered to adminiſter, that the perſon ſo brought before him had ſo traded as aforeſaid, unleſs ſuch licence ſhall be produced by ſuch offender before the ſaid juſtice or collector, by warrant under his hand and ſeal to cauſe the ſum of five pounds to be forthwith levied by diſtreſs and ſale of the offender or offenders goods, wares, or merchandizes, rendering the overplus, (if any be) to the owner or owners thereof, after deducting the reaſonable charge for taking the ſaid diſtreſs, and out of the ſaid ſale to pay the penalty and forfeiture aforeſaid.

XI. Provided always, and be it enacted by the authority aforeſaid, That this act, or any thing herein contained, ſhall not extend to prohibit any perſon from ſelling of any acts of Parliament, forms of prayer, proclamations, gazettes, almanacks, or other printed papers, or any fiſh, fruit, or victuals, nor to hinder any perſon or perſons who are the real workers or makers of any goods or wares, within this kingdom, or his or their wife or wives, apprentice or apprentices from carrying abroad, expoſing to ſale, and ſelling any of the ſaid goods and wares of his, her, or their making in any publick fairs, markets, or elſe-

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where, nor any tinker, cooper, glazier, plumber, harneſs-mender, or other perſons uſually trading in mending kettles, tubs, houſehold goods, or harneſs whatſoever, from going about or carrying with him or them proper materials for mending the ſame.

XII. Provided alſo, and be it enacted by the authority aforeſaid, That this act, or any thing herein contained, ſhall not extend to ſubject any perſon or perſons who ſhall carry raw and unmanufactured wool, or frizes, or ſtockings made of woollen yarn, from one part of the kingdom to another, or expoſe the ſame to ſale in any market, fair, or other place in this kingdom, to any of the duties or penalties herein before mentioned; ſo as ſuch perſon or perſons ſhall not at the ſame time carry or expoſe to ſale any other wares, goods, or merchandizes, except the ſaid raw and unmanufactured wool, and the ſaid frizes and ſtockings made of woollen yarn.

XIII. Provided alſo, and be it enacted by the authority aforeſaid, That this act, or any thing herein contained, ſhall not extend to prohibit or reſtrain any perſon or perſons from ſelling or expoſing to ſale in any place or places whatſoever any flax, tow, hemp, flaxen yarn, hempen yarn, ticken, plain, ſtriped, chequered, painted, or ſtained linens, buckrams, or canvas; ſo as ſuch perſon or perſons ſhall not at the ſame time carry or expoſe to ſale any other goods, wares, or merchandizes, except ſuch flax, tow, hemp, flaxen yarn, hempen yarn, tickens, plain, ſtriped, chequered, painted, or ſtained linens, buckrams, or canvas as aforeſaid.

XIV. Provided alſo, and be it further enacted by the authority aforeſaid, That this act, or any thing herein contained ſhall not extend to ſubject any perſon or perſons who ſhall carry any pots or griddles, made of caſt iron metal, from one part of the kingdom to another, or expoſe the ſame to ſale in any fair, market, or other place in this kingdom, to the payment of any greater duty than the ſum of twenty ſhillings by the year in the whole; although ſuch perſon or perſons ſhall or may trade or travel with one or more horſe or horſes, or other beaſt or beaſts drawing or bearing burthen; ſo as ſuch perſon or perſons ſhall not at the ſame time carry or expoſe to ſale any other goods, wares, or merchandizes, except the ſaid pots and griddles made of caſt iron metal.

XV. Provided

XV. Provided alſo, and be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the commiſſioners of his Majeſty's revenue, or any three or more of them, for the time being to order and direct to be paid out of the monies raiſed by this act to the ſaid collectors, their clerks, or any other perſons, ſuch ſums of money, as they or any of them ſhall or may reaſonably deſerve for their ſervice, or ſhall or may have expended in the execution of or in relation to this act.

XVI. Provided alſo, and be it further enacted by the authority aforeſaid, That this act, or any thing herein contained, ſhall not extend or be conſtrued to give any power for licenſing any hawker, pedlar, or petty chapman to ſell or expoſe to ſale any wares or merchandizes in any city, borough, town corporate, or market town within this realm, any otherwiſe than he or ſhe might have done before the making of this act; any thing herein contained to the contrary in any wiſe notwithſtanding.

XVII. And for the further encouragement of Engliſh proteſtant ſchools be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for every archbiſhop, biſhop, and to and for every dean, archdeacon, dignitary, prebendary, rector, vicar, and eccleſiaſtical perſon whatſoever, with the conſent of the archbiſhop or biſhop of their reſpective dioceſe ſignified under the hand and ſeal of ſuch archbiſhop and biſhop reſpectively, and to and for every perſon being ſeized of an eſtate for life in poſſeſſion of any land with immediate remainder over to his iſſue in tail, by deed or deeds indented to demiſe for any term or number of years or lives with covenant of perpetual renewal any quantity of land to them reſpectively belonging, not exceeding thirty acres plantation meaſure, to the ſaid Incorporated Society and their ſucceſſors, reſerving a rent, not leſs than the improved yearly value of the ſame at the time of making ſuch demiſe, payable to thoſe who are or ſhall be entitled to the freehold and inheritance thereof; and that all grants ſo to be made ſhall be good and effectual againſt the ſucceſſors of every ſuch archbiſhop, biſhop, dean, archdeacon, dignitary, prebendary, rector, vicar, and other eccleſiaſtical perſon reſpectively, and againſt all perſons claiming or to claim any eſtate, right, title, or intereſt in ſuch land by virtue of or under any limitation, remainder, or reverſion expectant upon ſuch eſtate for life.

XVIII. Provided always, that in caſe the ſaid lands and premiſes, ſo demiſed as aforeſaid, ſhall not be applied and made uſe of for the benefit and ſupport of the charter ſchools or nurſeries, or ſome of them, that are or ſhall be erected and eſtabliſhed by ſaid ſociety, ſuch demiſe ſhall be abſolutely null and void to all intents and purpoſes whatſoever.

CHAP. XX.

An Act for continuing, reviving, and amending ſeveral Temporary Statutes, and other Purpoſes therein mentioned.

WHEREAS the ſeveral temporary laws and ſtatutes herein after mentioned are found to be of general uſe, and fit to be continued: be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That a clauſe in an act paſſed the firſt year of his preſent Majeſty's reign, entitled, *An act for reviving, continuing, and amending ſeveral temporary ſtatutes*, whereby ſo much of an act of the third year of the late King George the ſecond, entitled, *An act for the further explaining and amending ſeveral ſtatutes for prohibiting under ſheriffs and ſheriffs clerks from officiating as under ſheriffs or ſheriffs clerks more than one year, and to render more effectual an act to prevent fees being taken in certain caſes, and to take away the pretended office of barony clerk, and to oblige ſheriffs to appoint deputies for granting replevins, and alſo for diſcharging of priſoners unable to pay their fees*, as relates to bills of diſcovery therein mentioned, and obliges all perſons to anſwer the ſame without pleading or demurring thereto, and which ſaid clauſe is near expiring, ſhall and may be continued from the firſt day of May, which will be in the year one thouſand ſeven hundred and ſixty nine, for eight years, and from thence to the end of the then next ſeſſion of Parliament, and no longer.

Sheriffs.

1 G. 3. 17. *ſec.* 1. continuing 3 G. 2. 9 *ſec.* 7. further continued 8 years, &c. from 1 May 1769.

II. And whereas, by an act paſſed in this kingdom in the ſixth year of the reign of his preſent Majeſty, entitled, *An act for continuing, reviving, and amending ſeveral temporary ſtatutes, and for impowering the grand jury of Kilkenny at the aſſizes, to encreaſe the yearly ſalary of the treaſurer of ſaid county*, all and every the clauſes contained in an act of the third year of his preſent Majeſty, entitled, *An act for the better preſervation of the game*, ſo far as relates to the killing of game, and expoſing the ſame to ſale at improper ſeaſons of the year, which prohibit the taking and killing of game at certain ſeaſons of the year, and expoſing the ſame to ſale, and all the penalties and proviſions relating thereunto, which by the ſaid act are made and provided, are found to be uſeful, and fit to be continued: be it further enacted by the authority aforeſaid, That all and every of the ſaid clauſes in the ſaid act of the third,

Game.

3 G. 3. 23. continued by 5 G. 3. 15. *ſec.* 28. further continued to 1 May 1770, &c.

third year of his preſent Majeſty for prohibiting the taking and killing of game, and expoſing the ſame to ſale at improper ſeaſons of the year, and all the ſaid penalties and proviſions relating thereto, ſhall be continued in force from the firſt day of May, which ſhall be in the year one thouſand ſeven hundred and ſixty eight, to the firſt day of May one thouſand ſeven hundred and ſeventy, and from thence to the end of the then next ſeſſion of Parliament.

31 G. 2. c. 9. ſec. 4. as to wild turkies, continued to 1 May 1770, &c.

III. And be it further enacted by the authority aforeſaid, That a clauſe in an act of the thirty firſt of George the ſecond, entitled, *An act for reviving, continuing, and amending ſeveral temporary ſtatutes*, which makes the killing and deſtroying wild turkeys ſubject and liable to the ſame penalties and forfeitures, that the deſtroying of pheaſants, partridge, and quails are made liable to, be continued from the firſt day of May one thouſand ſeven hundred and ſixty eight to the firſt day of May one thouſand ſeven hundred and ſeventy, and to the end of the then next ſeſſion of Parliament.

Coal.

3 G. 3. 27. continued 8 years, &c. from 1 Jan. 1769.

IV. And whereas an act paſſed in this kingdom in the third year of his preſent Majeſty's reign, entitled, *An act to amend and continue an act*, entitled, *An act to prevent the exceſſive price of coals in the city of Dublin*, has been found by experience to be a uſeful and beneficial law: be it further enacted by the authority aforeſaid, That the ſaid act ſhall be continued in force from the firſt day of January one thouſand ſeven hundred and ſixty nine for eight years, and from thence to the end of the then next ſeſſion of Parliament.

Tumults.

5 G. 3. 8. continued 2 years, &c.

V. And whereas an act paſſed in this kingdom in the ſixth year of his preſent Majeſty's reign, entitled, *An act to prevent for the future tumultuous riſings of perſons within this kingdom, and for other purpoſes therein mentioned*, which has greatly contributed to the peace and quiet of this kingdom, and is a law fit to be continued: be it further enacted by the authority aforeſaid, That the ſaid act ſhall be continued in force from henceforth for two years, and from thence to the end of the then next ſeſſion of Parliament.

Preſſion, foreign ſervice.

25 G. 2. 12. continued by 31 G. 2. 9. ſec. 9. and by 3 G. 3. 20. ſec. 2. for 7 years from 1 June 1764, continued further 7 years, &c. from 1 June 1768.

VI. And be it further enacted by the authority aforeſaid, That an act paſſed in the twenty fifth year of the reign of his late Majeſty King George the ſecond, entitled, *An act for the more effectual execution of orders of courts of juſtice for giving and quieting poſſeſſions, and alſo for the more effectual bringing to juſtice ſuch perſons, as ſhall inliſt his Majeſty's ſubjects to ſerve as ſoldiers in foreign ſervice without licence*, and which ſaid act was by an act made in the thirty firſt year of the reign of his ſaid late Majeſty continued in force for ſeven years from the firſt

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firſt day of June one thouſand ſeven hundred and fifty eight and to the end of the then next ſeſſion of Parliament, and by an act made in the third year of the reign of his preſent Majeſty, entitled, *An act for continuing ſeveral temporary ſtatutes*, was continued for ſeven years from the firſt of June one thouſand ſeven hundred and ſixty four, ſhall and may be further continued for ſeven years from the firſt day of June one thouſand ſeven hundred and ſixty eight, and to the end of the then next ſeſſion of Parliament after the expiration of the ſaid term of ſeven years.

Proteſtants.

3 G. 3. 26. the time of performance of legal requiſites of conformity enlarged by 5 G. 3. 15. ſec. 5. further enlarged to 1 Dec. 1768.

VII. And whereas an act paſſed in the third year of the reign of his preſent Majeſty King George the third, entitled, *An act for confirming the titles and for quieting the poſſeſſions of proteſtants, and for giving time to converts from popery to perform the requiſites of conformity preſcribed by the laws againſt popery*, which enacts, That all ſuch perſon or perſons, as had theretofore obtained the biſhop's certificate of their conformity, and from and after the obtaining the ſame had profeſſed the proteſtant religion, and had continued proteſtants and had not performed all the other legal requiſites of conformity, and ſhould perform the ſame before the firſt day of December one thouſand ſeven hundred and ſixty five, ſhould from the time of his, her, or their conformity from the popiſh to the proteſtant religion be deemed and taken to be proteſtants of the eſtabliſhed church to all intents and purpoſes; in which ſaid act there is a proviſoe, That nothing therein contained ſhould bar, defeat, or prejudice any judgment or decree theretofore obtained by any perſon or perſons whatſoever in any court of law or equity, or any ſuit then depending grounded on the popery laws: and whereas by an act paſſed in the ſixth year of his preſent Majeſty King George the third, entitled, *An act for continuing, reviving, and amending ſeveral temporary ſtatutes, and for the empowering the grand jury of the county of Kilkenny at the aſſizes to encreaſe the yearly ſalary of the treaſurer of ſaid county*, the time for performing the ſaid legal requiſites of conformity was enlarged to the firſt day of December one thouſand ſeven hundred and ſixty ſeven: and whereas the time for performing the ſaid requiſites is now expired: be it enacted by the authority aforeſaid, That all ſuch perſon and perſons, as have heretofore obtained the biſhop's certificate of their conformity, and from and after obtaining the ſame have profeſſed the proteſtant religion, and have continued proteſtants, and have not performed all the other legal requiſites of conformity, and ſhall perform the ſame before the firſt day of December one thouſand ſeven hundred

hundred and sixty eight, shall from the time of his, her, or their conformity from the popish to the protestant religion be deemed and taken to be protestants of the established church to all intents and purposes.

VIII. Provided always, That nothing herein contained shall bar, defeat, or prejudice any judgment or decree heretofore obtained by any person or persons whatsoever in any court of law or equity, or any suit now depending either at law or in equity grounded on the popery laws, which have been duly obtained and proceeded on.

Weights.

IX. And whereas an act passed in this kingdom in the twenty fifth year of the reign of his late Majesty King George the second, entitled, *An act for buying and selling all sorts of corn, and meal, and other things therein mentioned, by weight; and for the more effectual preventing the frauds committed in the buying and selling thereof;* which said act was by an act made in the thirty first year of his said late Majesty's reign, entitled, *An act for reviving, continuing, and amending several temporary statutes*, continued in force for the term of seven years, and from thence to the end of the then next session of Parliament, with several amendments: and whereas the said recited act of the twenty fifth year of his said late Majesty's reign, as explained and amended by said recited act of the thirty first of his said late Majesty's reign, is fit to to be revived and continued: be it enacted by the authority aforesaid, That the said recited act of the twenty fifth year of the reign of his late Majesty King George the second with the several amendments thereto made by the said act of the thirty first year of the reign of his said late Majesty, and all and every the clauses, articles, and provisoes therein contained, shall be and are hereby revived and continued in force for the term of seven years, and from thence to the end of the then next session of Parliament after the expiration of said term of seven years.

25 G. 2. 15. continued and amended by 31 G. 2. 9. sec. 5, 6, 7, & 8. further continued 7 years, &c.

Fish.

X. And whereas by two several acts, passed in the third and sixth years of his present Majesty's reign, *for the encouragement of the fisheries of this kingdom*, it is required, That every vessel shall have six men for the first twenty tons, and one man for every eight tons exceeding twenty tons, employed on board said vessel during the fishing season, to entitle the owners thereof to the bounty given on the tonnage of said vessels: but it is found by experience, that so great a number of men being required as aforesaid subjects the owners of said vessels to great inconveniencies and difficulties, in regard the fishermen of this kingdom are mostly employed and paid on board said vessels by the shares: for remedy whereof

3 G. 3. 24. 5 G. 3. 7. the number of men thereby required to intitle to bounty on tonnage inconvenient,

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be it enacted by the authority aforesaid, That from henceforth four men for the first twenty tons, and one man for every eight tons exceeding twenty tons, shall be deemed a sufficient number of men to be employed on board such vessels during the fishing season to entitle the owners thereof to said bounty, who shall in all other respects comply with the requisites prescribed by said acts.

4 men the 1st 20 tons, and 1 every 8 tons over, sufficient.

Trees.

5 G. 3. 17. tenant by fee farm intitled to privileges, &c. thereby granted to tenants renewable for ever.

XI. And whereas by an act passed in the last session of Parliament *for encouraging the planting of timber trees* (to be planted after the passing of the said act) it is enacted as an encouragement, that tenants for lives renewable for ever should not be impeachable for waste in timber trees: but some doubt has arisen, whether persons holding by fee farm, (though seized of an higher estate) are included in the said act: be it enacted by the authority aforesaid, That persons holding by fee farm shall be entitled to enjoy all such exemptions, privileges, and encouragements, as are granted to tenants for lives renewable for ever by the said act.

Treasurers.

Presentment for treasurer of Tipperary not exceeding 20l. a year above the usual sum.

XII. And whereas the county of Tipperary from its situation and circumstances requires large sums to be raised for the repair of roads and other publick purposes, and requires a treasurer conversant in accounts, and who can give good and sufficient security for such large sums, as must necessarily be raised in that county: and whereas the yearly sum, which the grand jury of said county have power to present for the treasurer of said county by the laws now in force, is in no respect adequate to the trouble and expence attending said office: be it enacted by the authority aforesaid, That from and after the first day of July one thousand seven hundred and sixty eight the grand jury of the assizes to be held for the said county of Tipperary from time to time shall have power, if they think fit, to make presentments in the usual manner for the raising any sum not exceeding twenty pounds a year for the treasurer of said county for the time being, over and above the sum which the grand jury of said county is empowered by the laws now in force to present for such treasurer, and the judges at such assizes shall and may confirm such presentment.

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CHAP. XXI.

An Act to continue and amend an Act passed in the third Year of His Majesty's Reign, entitled, *An Act to amend and explain an Act, made in the thirty third Year of the Reign of Henry the Eighth*, entitled, *An Act for Tythes, and for other Purposes therein-mentioned.*

Perpetual by 11 & 12 *G.* 3. *c.* 10. *ſ.* 9.

WHEREAS by an act of Parliament made in this kingdom in the thirty third year of the reign of King Henry the eighth, entitled, *An act for tythes*, it is amongſt other things enacted, That all and ſingular perſons of this land, of what eſtate, degree, or condition ſoever they be, ſhall fully, truly, and effectually divide, ſet out, yield, or pay all and ſingular tythes and offerings according to the lawful cuſtoms and uſages of the paroches and places, where ſuch tythes or duties ſhall grow, ariſe, and become due: and whereas the good intentions of the ſaid act have been in a great meaſure defeated by the frauds of the perſons, who ought to pay ſuch tythes, in not giving reaſonable notice to the perſons intitled to receive the ſame, and other contrivances when notice has been given, and the perſons have attended to receive ſuch tythes purſuant thereto: be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That every owner of corn, hay, or peas, or beans, (except peas or beans which grow in gardens) ſhall, before he ſhall remove the ſaid corn, hay, or peas, or beans, give notice in writing to the perſons entitled to receive ſuch tythes, or his known proctor or manager, of the time of ſetting out ſuch tythes forty eight hours at leaſt before ſuch intended time of ſetting out the ſame; which notice ſhall be delivered to the perſon ſo entitled to receive ſuch tythes, or his known proctor or manager, or, in caſe neither of them can be found at his houſe or uſual place of abode within the ſaid pariſh, ſuch notice ſhall be given to ſome perſon living in ſuch houſe, who is above the age of ſixteen years; and that all perſons, who give ſuch notice, ſhall without fraud, covin, or wilful delay, truly and effectually divide, ſet out, and deliver ſuch tythes to the perſons intitled to receive the ſame, who ſhall attend for that purpoſe purſuant to ſuch notice; and that it ſhall be lawful for the perſons receiving ſuch tythes to make the ſame in ſtocks or otherwiſe on the field, where the ſame grew, and where the ſame may remain and be preſerved, ſo long as the reſt or any part

owner of corn, hay, peas, or beans, (ſave in gardens) to give in writing 48 hours notice of ſetting out tithes to the perſon intitled, or known proctor, or ſome one in the houſe above 16,

and truly deliver without fraud or delay,

receiver may make in ſtocks on the field or otherwiſe, to remain as long as the reſt undrawn.

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part of the reſt of the corn, hay, or other things ſhall remain on the ſaid field undrawn by the owner.

On non-reſidence in the pariſh 48 hours notice affixed to the church door from 10 till 1 ſufficient.

II. Provided always, That if the perſon intitled to receive the ſaid tythes, or his known manager or procter, have no place of reſidence in the ſaid pariſh, or, if many pariſhes be united by virtue of any union, in one of the ſaid united pariſhes, that then and in ſuch caſe it ſhall be ſufficient to give the ſaid notice of the time of ſetting out the tythes by affixing the ſame on the door of the pariſh church forty eight hours before the time of ſetting out the ſaid tythes; which notices ſhall continue ſo affixed from the hour of ten of the clock in the forenoon 'till the hour of one of the clock in the afternoon of the day, it ſhall be ſo affixed.

On ſuit for ſubſtraction of predial tithes ſufficient to prove incumbent or impropriator by reputation and acting as ſuch,

III. And whereas the clergy in ſuits for ſubſtraction of predial tythes are unneceſſarily put to great trouble and expence in producing witneſſes to prove their induction and other qualifications in caſes, where there is no diſpute, who the incumbent is: for the prevention of ſuch delays and expences be it enacted by the authority aforeſaid, That it ſhall be ſufficient for every eccleſiaſtical perſon or lay impropriator in any ſuit for the ſubſtraction of predial tythes to prove, that ſuch perſon was and is reputed to be an incumbent or impropriator of ſuch pariſh, and had acted as ſuch at or before the time, the right of the tythes ſued for accrued, without producing or proving any other title; except the title of the perſon promoting ſuch ſuit ſhall be controverted, and it ſhall be pleaded by the party ſo ſued in ſuch cauſes, that the perſon proſecuting ſuch ſuit is not the true and legal incumbent or impropriator.

unleſs the title controverted and pleaded to.

IV. And whereas by the preſent method of proceeding in the eccleſiaſtical courts in ſuits for ſubſtraction of predial tythes the parties, cited in ſuch cauſes, are often put to great expences in excommunicating them for contempt in not appearing, and the perſons promoting ſuch ſuits are delayed in the proſecution thereof: and whereas it is by the ſaid act, made in this kingdom in the thirty third year of the reign of Henry the eighth, further enacted, That in every caſe or matter for detaining or withholding tythes or offerings the judge, having their parties or their lawful procurators before him, ſhall and may proceed to the examination, hearing, and determining of every ſuch cauſe or matter ordinarily or ſummarily according to the courſe of the King's eccleſiaſtical laws: and whereas notwithſtanding the ſaid law ſuits for predial tythes are carried on in the eccleſiaſtical court in a plenary manner to the trouble and expence of the perſon ſo ſued, and often for very ſmall ſums of money: be it enacted by the authority aforeſaid, That for the future before

Before citation a petition regiſtered in eccleſiaſtical court inſerting all predial tithes due,

any

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any citation shall issue under the seal of any ecclesiastical court in any cause for subtraction of predial tythes, a petition or complaint in writing shall be lodged in the registry of such court, in which shall be inserted all the predial tythes then due to the person, at whose instance such citation shall be issued, by the person so to be cited; so as that no second suit shall be commenced against the same person for any such predial tythes, which shall have become due before that time; and a copy of such petition or complaint, attested by the register of such court, shall be served upon the party so to be cited along with the copy of such citation; which citation shall also contain an intimation to the party so to be cited, that whether he shall appear at the time and place appointed thereby, or shall contumaciously absent himself, the judge of the said court will nevertheless proceed in a summary way to hear and finally determine such cause upon the day assigned by such citation; provided, that the time assigned in such citation for the appearance of the party so to be cited, shall not be sooner than thirty days after the date of such citation; and that the same shall be served together with such copy of such petition or complaint within three days after the date of such citation in such manner, as citations are usually served in other cases in the said courts; and upon the return of such citation and intimation as aforesaid, and due proof made of the service thereof, with such copy of such petition or complaint, as before directed, by oath in writing on the back of such citation or annexed thereto, sworn before the judge of the court from whence the same issued, it shall be lawful for the said judge thereupon to proceed in a summary way to hear and determine such cause by examination of witnesses *viva voce*, and such other legal proofs as shall be offered to him on behalf of either of the parties, and to give final sentence thereupon either in presence of the party so cited and intimated or his proctor, if he shall appear, or, in pain of his contumacy, in case he shall absent himself, and to adjudge costs to the party, who shall prevail in such suit, not exceeding one pound six shillings and eight pence.

so as no 2d suit for the same,

attested copy thereof served with copy of citation and intimation that whether appearance or not the judge will proceed summarily on day assigned, 30 days at least after,

such intimation served as usual in 3 days after date of citation,

on return thereof and proof of service on oath indorsed or annexed the judge may proceed summarily,

costs not exceeding 1l. 6s. 8d.

V. And be it further enacted by the authority aforesaid, that it shall and may be lawful to exhibit such petition or complaint in writing without the subscription of an advocate or proctor; and that no exception shall be admitted to any such petition or complaint for any defect in form; and that it shall be lawful for either of the parties to appear in such causes without any proctor, if they shall think fit so to do; and the respective judges and registers are hereby required to receive such appearances, and to receive such proofs as shall be offered, and finally to hear and determine such causes in the most summary manner

No subscription of advocate or proctor necessary to said petition,

no exception for form,

either party may appear without proctor,

appearance and proofs received and summary determination regarding only justice, not formality,

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manner without any regard to the formality of proceedings, and regarding only the juſtice of the caſe; and that it ſhall not be lawful for ſuch judges or regiſters to exact or receive any fees whatſoever from either of the parties in ſuch ſuits for predial tythes; but in lieu of ſuch fees it ſhall and may be lawful for the ordinaries of every dioceſe to grant ſuch ſum out of their proxies due to them at their annual viſitation to the judge and regiſter of their reſpective courts, as they in their diſcretion ſhall think a reaſonable recompence for ſuch fees, as they would have reſpectively been intitled to in ſuch ſuits for ſubſtraction of tythes, in caſe this act had not been paſſed.

no fees to judge or regiſter,

recompence granted by ordinaries out of proxies at viſitation.

VI. And whereas it is by the ſaid in part recited act further enacted, That if any ſuch perſon or perſons after ſentence definitive given againſt them obſtinately and wilfully refuſe to pay their tythes or duties, or ſuch ſums of money ſo adjudged wherein they be condemned for the ſame, that then two juſtices of the peace for the ſame ſhire, whereof one to be of the quorum, ſhall have authority by this act upon information, certificate, or complaint to them made in writing by the ſaid eccleſiaſtical judge that gave the ſaid ſentence, to cauſe the party ſo refuſing to be attached and committed to the next goal, and there to remain without bail or mainprize till he or they ſhall have found ſufficient ſecurities to be bound by recognizance or otherwiſe to the King to perform the ſame definitive ſentence or judgment: and whereas the ſtrict execution of the ſaid clauſe would be very inconvenient to the juſtices of the peace, who muſt meet to grant ſuch warrants, and alſo to the perſons who are ſo to be attached: be it enacted by the authority aforeſaid, That for the future no ſuch attachment or committal ſhall be made by ſuch juſtices of the peace; but where any perſon or perſons are condemned in any ſum or ſums of money for predial tythes or coſts of ſuit in any ſuch cauſe, and the party ſo condemned ſhall refuſe or neglect after ſervice of a monition for that purpoſe from the court, where ſuch ſentence is or ſhall be given, and proof made upon oath of the due ſervice thereof, by the ſpace of fifteen days after ſuch ſervice to ſatisfy and pay to the party obtaining ſuch ſentence ſuch ſum or ſums, as ſhall be ſo decreed, it ſhall and may be lawful for the perſon or perſons ſo obtaining ſuch ſentence or ſentences, their executors or adminiſtrators, to ſue for the money ſo decreed by civil bill before the next going judges of aſſize for the county, where the party, againſt whom ſuch ſentence was pronounced, ſhall reſide, or in any other court where civil bills are or ſhall be allowed to be brought, in ſuch manner as ſuits by civil bills are now allowed to be brought, ſo as the ſame do not exceed the ſum of twenty

No attachment or committal purſuant to 33 *H.* 8. 12. *ſec.* 2. on refuſal of tythes or ſums adjudged,

but on refuſal to pay 15 days after ſervice of monition, proved on oath, ſued by civil bill if not above 20l.

pounds; and a true copy of ſuch monition under the ſeal of the court, from whence the ſame iſſued, and proof upon oath of the due ſervice thereof fifteen days at leaſt before the hearing of ſuch civil bill, ſhall be judged ſufficient and concluſive evidence of the ſum due; and the party obtaining a decree in ſuch ſuit ſhall be intitled to ſuch execution and proceſs with the uſual coſts of civil bills.

copy of monition under ſeal of the court, and proof of ſervice 15 days, evidence of ſum due, proceſs and coſts as on civil bills.

VII. Provided, That all perſons ſhall be intitled to appeal from ſuch ſentences in ſuch eccleſiaſtical courts upon ſuch terms, and in ſuch manner, as they might heretofore have done ſince the making of the ſaid act made in the thirty third year of the reign of Henry the eighth.

Appeal from eccleſiaſtical court as before.

VIII. Provided alſo, That if it ſhall appear to ſuch judge of aſſize, that the matter is of eccleſiaſtical cognizance, that it ſhall be lawful for any defendant ſued by civil bill under this act to give in evidence any matter or thing ſubſequent to the ſentence in the eccleſiaſtical court, which may be ſufficient either in law or equity to diſcharge him of the whole or any part of the ſum or ſums decreed againſt him by the ſaid ſentence.

Defendant may give in evidence ſubſequent matter.

IX. Provided alſo, That the ſaid court ſhall be a court of equity to the defendant ſo as to enable the defendant to examine the plaintiff or his known proctor or manager upon oath, upon giving reaſonable notice to the plaintiff or ſuch proctor that his attendance is expected at the hearing of ſuch civil bill.

May on reaſonable notice examine plaintiff or proctor on oath.

X. Provided alſo, That nothing herein contained ſhall extend to or be conſtrued to extend to give or confirm a right in the incumbent to any ſpecies of tythes, to which he is not already entitled by law or equity.

No right under this act to incumbent to illegal tithe.

XI. And whereas the people called quakers do alledge, that it is againſt their conſciences to pay tythes and other cuſtomary dues belonging to the church; and by reaſon of their conſcientious ſcruples do refuſe to ſet out or repay the ſame, whereby they have ſubjected themſelves to many inconveniences: in order therefore to provide a remedy for the recovery of tythes and other church rights of the value herein after mentioned, where any quaker ſhall refuſe to ſet out or pay the ſame, be it enacted by the authority aforeſaid, That where any quaker ſhall refuſe to pay, compound for, or ſet out his great or ſmall tythes, or pay any cuſtomary or other rights or dues belonging to any church or chapel, which by law and cuſtom ought to be paid, it ſhall and may be lawful to and for two juſtices of the peace of the ſame county (other than ſuch juſtice of the peace as is patron of any ſuch church or chapel, or any ways intereſted in the ſaid tythes) upon complaint of any rector, vicar, farmer, or proprietor of tythes, or other perſon who by law and cuſtom

Quakers refuſing tithes or dues 2 juſtices (except the patron or intereſted) ſhall on complaint ſummon,

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ought to have, receive, or collect any ſuch tythes, dues, or payments as aforeſaid, to ſummon, and they are hereby authorized and required to ſummon, in writing under their hands and ſeals ſuch quaker or quakers, againſt whom ſuch complaint ſhall be made; and after his or their appearance, or upon default of appearance, the ſervice of the ſaid ſummons being firſt duly proved, to examine upon oath (which oath the ſaid juſtices are hereby empowered to adminiſter) the truth and juſtice of ſaid complaint, and determine the ſame in a ſummary way, and to aſcertain and ſtate what is due and payable by ſuch quaker or quakers to the party or parties complaining, and by order under their hands and ſeals to direct and appoint the payment thereof; ſo as the ſum ordered as aforeſaid exceed not the ſum of ten pounds; and in caſe ſuch quaker or quakers ſhall refuſe to pay the ſum, which ſhall be ſo ordered to be paid, that then it ſhall and may be lawful to and for the ſaid juſtices by warrant under their hands and ſeals to levy the money, thereby ordered to be paid, by a reaſonable diſtreſs and ſale of the goods of ſuch offender, rendering to him the overplus; every ſuch diſtreſs, if not redeemed, to be ſold by publick cant to the higheſt and faireſt bidder at the next market town adjoining the place where ſuch diſtreſs ſhall be taken, the perſon or perſons diſtraining firſt cauſing notice in writing to be poſted up four days previous to the time of ſuch ſale; and if any perſon or perſons ſhall find him, her, or themſelves aggrieved by any judgment given by ſuch two juſtices of the peace, he, ſhe, or they may appeal to the next going judges of aſſize at the next aſſizes to be held for the county, who may and ſhall proceed finally to hear and determine, and to reverſe or affirm the ſaid judgment, as upon the merits of the cauſe ſhall appear juſt and equitable; and if the ſaid judges of aſſize ſhall find cauſe to affirm the judgment given by the ſaid two juſtices of the peace, they ſhall decree the ſame accordingly, and ſhall award ſuch coſts againſt the appellant to be levied by a reaſonable diſtreſs and ſale of the goods of the ſaid appellant in manner aforeſaid, as to them ſhall ſeem juſt and reaſonable.

and on appearance or proof of ſervice examine ſummarily, aſcertain, and order payment, ſo as not above 10l.

and on refuſal levy by diſtreſs and ſale by public cant at next market town on 4 days notice poſted,

appeal to next judges of aſſize,

coſts if judgment affirmed.

XII. Provided always, That in caſe any ſuch appeal be made as aforeſaid, no warrant of diſtreſs ſhall be granted, until after ſuch appeal be determined.

On appeal no diſtreſs till determined.

XIII. Provided always, That nothing herein contained ſhall extend to give any remedy to any rector, vicar, or proprietor of tythes for the recovery of any ſpecies of tythes, to which he or they is or are not already entitled by law and cuſtom.

No remedy for tithes to which no title by law or cuſtom.

XIV. And

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XIV. And be it further enacted by the authority aforeſaid, That the ſeveral clauſes and proviſoes herein contained, relative to the recovery of tythes and other church dues from the ſaid people called quakers, ſhall continue in force for two years, and from thence to the end of the then next ſeſſion of Parliament, and no longer.

As to quakers continued 2 years, &c.

XV. And whereas with the aid of the King's bounty, granted by the commiſſioners of the firſt fruits, a new church hath been erected and conſecrated on the lands of Coletrain in the county of Fermanagh, and dioceſe of Clogher, inſtead of the antient pariſh church of Aughalurcher many years in ruins, and divine ſervice hath been performed therein for more than five years laſt paſt: be it enacted by the authority aforeſaid, That the ſaid new erected church on the lands of Coletrain be deemed from henceforth the pariſh church of Aughalurcher to all intents and purpoſes whatſoever.

New church of Coletrain the pariſh-church of Aughalurcher.

XVI. And be it further enacted by the authority aforeſaid, That no proctor in the ſpiritual courts in any dioceſe in this kingdom ſhall be allowed to act as a tythe farmer, or to take any tythes, except of ſuch lands of which he is proprietor or occupier.

No proctor to act as tithe-farmer or take tithes unleſs proprietor or occupier of the land.

XVII. Provided always, That this act ſhall be and remain in force for two years from the twenty fourth day of June one thouſand ſeven hundred and ſixty eight, and to the end of the then next ſeſſion of Parliament.

Continuance 2 years, &c. from 24 June 1768.

CHAP. XXII.

An Act for promoting the Trade of Ireland by enabling the Merchants thereof to erect an Exchange in the City of Dublin.

By 7 G. 3. 1. *ſec.* 7. 13286l. 18s. 4d. to commiſſioners for widening paſſages from Eſſex bridge, &c.

WHEREAS by an act paſſed this preſent ſeſſion of Parliament, entitled, *An act for granting to his Majeſty an additional duty on beer, ale, ſtrong waters, wine, tobacco, hides, and other goods and merchandizes therein mentioned, and for prohibiting the importation of all gold and ſilver lace, except of the manufacture of Great Britain*, a ſum of thirteen thouſand two hundred eighty ſix pounds, eighteen ſhillings, and four pence, was granted to the commiſſioners for making wide and convenient paſſages from Eſſex bridge to the Caſtle of Dublin, to be laid out by them in the purchaſe of ground and intereſt on Cork hill, leading to his Majeſty's Caſtle, to make an open and commodious paſſage thereto, and for a plot of ground ſufficient to erect an Exchange on: and whereas the ſaid money was granted upon the application and at the inſtance

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ſtance of the merchants of the ſaid city of Dublin: and whereas a convenient and proper exchange for the merchants and traders of the ſaid city of Dublin to meet in and tranſact buſineſs is greatly wanted, and the ſaid merchants have endeavoured with great care and aſſiduity to collect a fund for the purpoſe of building a commodious and convenient Exchange, and they are willing to erect ſuch Exchange, and to keep the ſame in repair: and whereas the purchaſe of the ſaid plot of ground for building an Exchange on is not yet compleated by the ſaid commiſſioners, and it will be neceſſary, when the ſame ſhall be compleated, that the ſaid plot of ground for building the ſaid Exchange on ſhould be ſet apart and appropriated for ever for the purpoſes of the ſaid Exchange, and that ſome ſelect body of the ſaid merchants and traders with others ſhould be veſted with powers and authority to plan out, erect, and compleat a convenient building for the purpoſe of an Exchange, and from time to time for ever to repair and keep the ſame in order: for the effecting whereof be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid commiſſioners for widening the ſtreets and paſſages, ſo ſoon as they have compleated the purchaſe of the ſaid ground, ſhall and do convey the ſaid plot of ground for building an Exchange upon unto the guild or corporation, commonly called the maſters, wardens, and brethren of the corporation of merchants or guild of the Holy Trinity of the city of Dublin and their ſucceſſors for ever, and that they be empowered to accept of the ſaid conveyance.

Commiſſioners for widening ſtreets to convey to guild of merchants for ever ground purchaſed for an exchange.

II. And be it further enacted by the authority aforeſaid, That from and immediately after the ſaid commiſſioners ſhall have compleated the purchaſe of the ſaid ground purſuant to the ſaid recited act of this ſeſſion, and conveyed the ſame in purſuance of this act, the ſaid plot of ground ſhall be declared to be veſted in the actual ſeizin and poſſeſſion of the ſaid guild or corporation, called the maſter, wardens, and brethren of the corporation of merchants or guild of the Holy Trinity of the city of Dublin, and their ſucceſſors for ever, for the ſole purpoſes and uſes of building thereon a convenient and commodious Exchange and place of meeting for the merchants and traders of the city of Dublin.

The ground then veſted in ſaid corporation for that ſole purpoſe.

III. And for the more convenient and conſtant management and tranſacting the ſeveral matters neceſſary for the erecting and building a convenient Exchange and place of meeting on the ſaid ground, herein before for that purpoſe veſted or intended

tended to be veſted in the ſaid guild of merchants and their ſucceſſors, and keeping the ſame from time to time in good order and repair, and regulating the ſame and all matters relating thereto, be it further enacted by the authority aforeſaid, That the following perſons, all of the city of Dublin, merchants, to wit, Thomas Read, Matthew Weld, Robert Jaffray, Theophilus Thompſon, Travers Hardley, Joſeph Fletcher, Edward Strettell, Joſeph Lynam, George Sutton, George Maquay, Alexander Jaffray, Robert Magee, Abraham Wilkinſon, William Thompſon, William Colvill, and George Godrey Hoffman, together with the lord mayor and ſheriffs of the ſaid city of Dublin, the two citizens repreſenting the ſaid city in Parliament, the treaſurer of the ſaid city, and the ſenior maſter of the guild of merchants, all for the time being, be conſtituted and appointed truſtees for the purpoſes of planning, erecting, and compleating according to their judgment and diſcretion the ſaid exchange and place of meeting for the merchants and traders of the ſaid city of Dublin, and for keeping the ſame in good order and repair, and for regulating all matters relating thereto; and that it ſhall and may be lawful to and for the ſaid truſtees, or any ſeven or more of them, to plan, deſign, erect, compleat, and finiſh a building for the purpoſe of an exchange and place of meeting for the merchants and traders of the ſaid city of Dublin, and to keep the ſame from time to time in order and repair, and to regulate all matters relating thereto.

Truſtees for planning and compleating and regulating ſaid exchange,

any 7 may act.

IV. Be it further enacted by the authority aforeſaid, That for the ſupplying and continuing a number of fit and able merchants to be truſtees for putting in execution the powers and truſts contained in this act, when any of the merchants herein before named (that is to ſay) Thomas Read, Matthew Weld, Robert Jaffray, Theophilus Thompſon, Travers Hartley, Joſeph Fletcher, Edward Strettell, Joſeph Lynam, George Sutton, George Maquay, Alexander Jaffray, Robert Magee, Abraham Wilkinſon, William Thompſon, William Colvill, and George Godfrey Hoffman, ſhall die, or refuſe to act, or reſign, that then and in ſuch caſe the maſters for the time being of the ſaid guild or corporation, called the guild of merchants of the ſaid city, at ſome convenient time within ten days after notice given to them thereof by the ſurviving truſtees, or any ſeven of them, ſhall by publick notice to be given for that purpoſe in the Dublin Gazette convene at the common hall of the ſaid guild an aſſembly of ſuch members, not being leſs than thirty, as ſhall have at the time of holding ſuch aſſembly the allowance of ſix and ten *per cent.* at the cuſtom houſe as wholeſale merchants, and then and there ſhall elect a merchant, or, in caſe there

Vacancies filled up at aſſembly of qualified wholeſale merchants not leſs than 30 convened at the common hall on notice in Gazette by the maſters in 10 days after notice to them of vacancy by ſurvivors or any 7.

new members alſo qualified merchants 3 years before,

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shall be then more than one vacancy, a number of merchants, sufficient to fill up such vacancies, and qualified as aforesaid for three years next before such day of election, in the room and stead of the said merchant or merchants herein before named, so dying, refusing, or resigning as aforesaid, and so from time to time for ever upon the death, refusal, or resignation of any of the said merchants, so from time to time to be elected, one or more merchant or merchants, so qualified as aforesaid, shall be elected and chosen in manner aforesaid from time to time in the room and stead of the merchant or merchants so dying, refusing, or resigning; so as that there may be always a body of sixteen merchants, qualified as aforesaid, subsisting for the purposes aforesaid, over and above the said lord mayor, sheriffs, representatives in Parliament, treasurer, and senior master for the time being.

so from time to time,

so as always 16 merchants.

To meet in Dublin, as by any 7 thought fit, till exchange finished; and afterwards there;

V. And be it further enacted by the authority aforesaid, That the said trustees, or any seven or more of them, shall and may meet and assemble themselves at the place, called the Guild Hall in the city of Dublin, on the first Monday next after the passing of this act, and afterwards at such times and at such places in the city of Dublin, as the said trustees or any seven or more of them shall from time to time think proper, until the said exchange shall be erected and finished, and from and after the same shall be erected and finished then to meet and assemble themselves at the said exchange; at which said several and respective meetings so to be had from time to time the lord mayor of the said city of Dublin for the time being, when present, shall be president.

lord mayor president.

Trustees incorporated, by name,

VI. And be it further enacted by the authority aforesaid, That the trustees herein before nominated and appointed, and hereafter to be elected and chosen pursuant to this act, and their successors, shall be for ever a body politick and corporate; and shall be persons capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, in all courts of law and equity by the name of the trustees of the Royal Exchange of Dublin, and shall make and use a common seal for the purposes aforesaid; and also shall be capable in law by such name to take securities for any sum or sums of money due or to be due to them as trustees as aforesaid, and for performance of any agreement or contract entered into or to be entered into with them, or for the due execution of any power or authority committed by them to any person or persons concerning the said exchange in the building and erecting thereof, or in repairing and keeping the same in good order and condition; and also that the said trustees or any seven or more of them may enter

with common seal,

and to take securities,

may contract,

into

into and execute all such contracts and agreements, as shall be necessary for or relative to the execution of the said trust; and also shall and may nominate and appoint a treasurer, and clerk or register, and other necessary officers and servants, with suitable salaries or wages respectively from time to time to hold during their pleasure; and that service of such clerk or register for the time being with any subpœna, order, decree, or process of any court of law or equity, with such subpœna, order, decree, or process, shall be sufficient service of the said trustees; so as such service be made twenty days at least before the return of such subpœna, order, decree, or process, or the time appointed by such order, decree, or process for obedience thereto.

name officers with salaries during pleasure.

service of their clerk with process sufficient, if 20 days before return.

VII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said trustees and their successors, or any seven or more of them, from time to time to make reasonable bye laws, orders, and directions for the better regulation of the said royal exchange and place of meeting, and for the government of their officers and servants, and to vacate, vary, or alter the same from time to time, as to them shall seem meet and convenient.

7 may make and vary bye laws.

VIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any three or more of the said trustees, or their successors, from time to time to convene the said trustees or their successors, and for that purpose that any three or more of the said trustees or their successors shall and may sign a direction in writing, containing the time and place in the said city of Dublin where such meeting shall be had, to the person, who shall be appointed clerk or register to the said trustees or their successors by virtue of this act; and that it shall and may be lawful to and for such clerk or register to issue a summons to the said trustees or their successors pursuant to such direction.

3 trustees may convene by writing to the clerk with the time and place.

clerk to summon.

IX. Provided always, That two days previous notice shall be given of such meeting in the usual manner to the said trustees respectively, or to such of them as shall be then resident in the said city of Dublin, or the liberties thereof or thereto adjoining; and that any seven or more of them, shall and may transact any business at the time of such meeting.

2 days notice of meeting.

7 may act.

X. And whereas it is apprehended, that one part of the ground, whereon the said royal exchange and place of meeting is intended to be built, is in the county of Dublin, and another part thereof is in the county of the city of Dublin, which may be productive of many inconveniencies, if the same should remain under such uncertainty: be it further enacted by

The ground deemed part of the county of the city.

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the authority aforeſaid, That from and immediately after the ſaid plot of ground, by this and the ſaid recited act appropriated for the building of the ſaid royal exchange and place of meeting, ſhall be conveyed to the ſaid guild of merchants, the ſame ſhall from thenceforth for ever be part of the county of the city of Dublin, and be deemed, adjudged, reputed, and taken in all courts of law and equity to be part and parcel of and ſituated in the county of the city of Dublin.

Suits in 6 months,

laid in county of the city,

general iſſue pleaded, &c.

XI. And be it further enacted by the authority aforeſaid, That if any action ſhall be brought or ſuit commenced againſt any perſon or perſons for any thing done in purſuance of this act, or in relation to the premiſſes, or any of them, every ſuch action or ſuit ſhall be laid or brought within ſix months next after the fact done, and ſhall be laid or brought in the county of the city of Dublin, and not elſewhere; and that the defendant or defendants in ſuch action may plead the general iſſue, and give this act and the ſpecial matter in evidence at any trial to be had thereupon, and that the ſame was done in purſuance and by authority of this act; and if the ſame ſhall appear to have been ſo done, or if any ſuch action or ſuit ſhall not be brought within the time before limited, or ſhall be brought in any other county or place than as aforeſaid, then the jury ſhall find for the defendant or defendants; or if the plaintiff or plaintiffs ſhall become nonſuited, or ſuffer a diſcontinuance of his, her, or their action or actions, or if a verdict ſhall paſs againſt the plaintiff or plaintiffs, or if upon demurrer judgment ſhall be given againſt the plaintiff or plaintiffs, the ſaid defendant or defendants ſhall have double coſts, and ſhall have ſuch remedy for recovering the ſame, as any defendant or defendants hath or have in other caſes by law.

double coſts to defendant on nonſuit, verdict, &c.

A publick act.

XII. And be it further enacted by the authority aforeſaid, That this act ſhall be declared to be a publick act, and ſhall be deemed and taken notice of as ſuch by all judges, juſtices, and others in all courts and places without pleading the ſame.

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CHAP. XXIII.

An Act for the further Preſervation of Woods and Timber Trees.

WHEREAS the ſeveral acts paſſed for the preſervation of woods and timber trees have in a great meaſure proved ineffectual: be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of Auguſt one thouſand ſeven hundred and ſixty eight, every perſon or perſons, who ſhall grub up, ſaw, or otherwiſe cut down any tree or trees, not being thereunto authorized by the owner or owners of ſuch tree or trees, ſhall on conviction thereof before one juſtice of the peace on the oath of one credible witneſs, forfeit for every ſuch offence to the owner or owners of ſuch tree or trees treble the value of ſuch tree or trees, according to the valuation hereinafter for that purpoſe mentioned; every aſh, elm, beech, or ſycamore tree of half an inch diameter, ſhall be valued at no leſs than ſix pence halfpenny; and every ſuch tree of one inch diameter ſhall be valued at no leſs than one ſhilling; and every ſuch tree of two inches diameter, ſhall be valued at no leſs than two ſhillings; and every ſuch tree of three inches diameter ſhall be valued at no leſs than two ſhillings and ſix pence; and every ſuch tree of four inches diameter ſhall be valued at no leſs than three ſhillings; and every ſuch tree of five inches diameter ſhall be valued at no leſs than four ſhillings; and every ſuch tree of ſix inches diameter ſhall be valued at no leſs than four ſhillings and ſix pence; and every ſuch tree of ſeven inches diameter ſhall be valued at no leſs than ſix ſhillings; and every ſuch tree of eight inches diameter ſhall be valued at no leſs than eight ſhillings; and every oak tree from half an inch diameter to eight inches diameter ſhall always be valued at double the value of any of the above mentioned trees; and every ſuch oak, aſh, elm, beech, and ſycamore tree above eight inches diameter ſhall be valued by two appraizers ſworn for that purpoſe; and the diameter of every ſuch tree ſhall be meaſured at the butt end; the ſaid penalty at treble value according to the valuations aforeſaid to be levied by diſtreſs and ſale of the goods of the offender or offenders; and where no diſtreſs can be found, the ſaid offender or offenders ſhall be committed to the common gaol of the county, where ſuch offence was committed, by warrant under the hand and ſeal

Grubbing or cutting down trees without owner's authority, treble value to owner,

aſh, elm, beech, or ſycamore of half inch diameter valued at 6d. ½.

of 1 inch 1s.

2 inches 2s.

3, 2s. 6d.

4, 3s.

5, 4s.

6, 4s. 6d.

7, 6s.

8, 8s

oak from half an inch to 8 inches, double,

all above 8, valued by 2 ſworn appraiſers,

diameter at the butt,

penalty by diſtreſs and ſale,

on default imprisonment not above 12 months,

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seal of such justice for any time not exceeding twelve months, there to remain without bail or mainprize; and every person buying or receiving any tree or trees, knowing the same to be stolen, shall on conviction as aforesaid be liable to all the pains and penalties aforesaid.

buyer or receiver liable.

Stripping bark of growing tree, treble value of the tree,

II. And be it further enacted by the authority aforesaid, That from and after the first day of August one thousand seven hundred and sixty eight, no person shall strip bark from any growing tree or trees, unless being thereunto authorized by the owner or owners of such tree or trees, on pain of forfeiting to the said owner or owners on conviction thereof before one justice of the peace on the oath of one credible witness treble the value of such tree or trees; and every such tree from one inch diameter to eight inches diameter shall be valued according to the valuation above mentioned; and every tree above eight inches diameter shall be valued by two appraizers sworn for the purpose; and no person, except publick and known tanners and dyers, and persons possessed of woods, shall keep any bark or rind of trees in their houses or other places, under pain of forfeiting to any informer a sum not exceeding fifty shillings, nor less than thirty, on conviction as aforesaid; the said penalties to be levied by distress and sale of the goods of the offender or offenders; and, when no distress can be found, the said offender or offenders shall be committed to the common gaol of the county, where such offence was committed, by warrant under the hand and seal of such justice for any term not exceeding six months, there to remain without bail or mainprize; and it shall and may be lawful to and for any constable, officer, or other person, by warrant under the hand and seal of any one justice of the peace, granted upon information on oath, to make search in all suspected houses and other places, for bark or rind of any tree,

like valuation,

none, save publick tanner, dyer, or possessor of woods, to keep bark,

penalty to informer not above 5*l.* nor under 5*s.*

by distress and sale,

if no distress imprisoned not above six months.

search for bark by any one on warrant of justice on information on oath

Or for wood, trees, poles, or timber,

III. And be it further enacted by the authority aforesaid, That from and after the first day of August one thousand seven hundred and sixty eight, it shall and may be lawful for any constable, officer, or other person by warrant under the hand and seal of any one justice of the peace, granted upon information upon oath, to make search in all suspected houses and places for any wood, trees, poles, or timber; and if such person shall find any of the premisses in the possession of any person or persons suspected to be guilty of the offences aforesaid, he shall bring such suspected person or persons before such justice of the peace; and if such suspected person or persons shall not make full and clear proof to the satisfaction of such justice, that such woods, trees, poles, or timber, were fairly and honestly

the person, with whom found brought before a justice,

not proving honestly bought or given, convicted, and liable as for first offence,

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neſtly bought by ſuch perſon or perſons, or given to him or them by the owner or proprietor thereof, in default thereof ſuch ſuſpected perſon or perſons ſhall be judged, and deemed, and ſhall ſtand convicted of a breach of this act, and ſhall be ſubject to the ſeveral penalties above inflicted for the firſt offence, in manner and form there limited and expreſſed; and no writing or writings of any perſon or perſons acknowledging the receipt of a valuable conſideration for ſuch wood, trees, poles, or timber ſhall be deemed a ſufficient proof of an honeſt and fair purchaſe, until the truth of ſuch writing or writings be aſcertained.

truth of receipts of conſideration proved.

IV. Provided always, That if any perſon or perſons ſhall find him or themſelves aggrieved by any adjudication or determination of any ſuch juſtice of the peace, it ſhall and may be lawful for ſuch perſon or perſons to appeal againſt the ſame to the next general quarter ſeſſions of the peace to be held for the county or place, where ſuch offence is ſuppoſed to have ariſen, whoſe determination there ſhall be final.

Appeal to ſeſſions.

CHAP. XXIV.

An Act for the Encouragement of Tillage and Navigation by granting a Bounty on the Carriage of Corn Coaſtways.

WHEREAS it is probable, that the granting a bounty upon the carriage of wheat, flour of wheat, oats, bere, barley, or malt from the northern and ſouthern parts of this kingdom to the city of Dublin, as alſo from any port or place ſouthward of Dublin to Newry, Belfaſt, and Londonderry, by water coaſtways, as herein after is mentioned, will be a further encouragement to tillage and navigation: be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and every perſon and perſons, who ſhall from and after the firſt day of June one thouſand ſeven hundred and ſixty eight, import any ſound merchantable wheat, flour of wheat, oats, bere, barley, or malt made of bere or barley, of the growth and produce of this kingdom, by water coaſtways to the city of Dublin from any port or place to the ſouthward of Dublin not nearer thereto than Wicklow, nor further therefrom than the Tuſcar, or from any port or place to northward of Dublin not nearer thereto than Drogheda, nor farther therefrom than Carrickfergus, and ſhall ſell and diſcharge the ſame in the publick markets or places, where corn or malt is uſually ſold

4d. *per* C. wt. of corn, &c. of Iriſh growth by water coaſtways to Dublin, ſouthward between Wicklow and the Tuſcar, northward between Drogheda and Carrickfergus, and ſold in the market,

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ſold in Dublin, ſhall, upon performing the ſeveral requiſites hereinafter mentioned, receive from the collector of the port of Dublin for the time being, the ſum of four pence *per* hundred weight for each and every hundred weight of ſuch wheat, flour of wheat, oats, bere, barley, or malt made of bere or barley, imported or brought into Dublin as aforeſaid.

paid by the collector.

5d. *per* C. if ſouthward of Tuſcar or northward of Carrickfergus.

II. And be it further enacted by the authority aforeſaid, That all and every perſon and perſons, who ſhall from and after the ſaid firſt day of June one thouſand ſeven hundred and ſixty eight import or bring any ſuch ſound merchantable wheat, flour of wheat, oats, bere, barley, or malt made of bere or barley of the growth and produce of this kingdom from any port or place to the ſouthward of the Tuſcar, or from any port or place to the northward of Carrickfergus, by water coaſtways to the city of Dublin, and ſhall ſell and diſcharge the ſame in the publick markets or places, where ſuch wheat, flour of wheat, oats, bere, barley, or malt is uſually ſold in Dublin, ſhall in like manner, upon performing the requiſites herein after mentioned, receive from the collector of the port of Dublin for the time being, the ſum of five pence *per* hundred weight for each and every hundred weight of ſuch wheat, flour of wheat, oats, bere, barley, or malt made of bere or barley, ſo brought or imported into Dublin from any port or place to the ſouthward of Tuſcar, and the northward of Carrickfergus as aforeſaid, for each and every hundred weight of ſuch wheat, flour of wheat, oats, bere, barley, or malt made of bere or barley, which ſhall be ſo brought coaſtways from any port or place to the northward of Carrickfergus, and ſold at any of the aforeſaid markets or places in Dublin as aforeſaid.

4d. *per* C. ſouthward of Cooley Point to Newry, Belfaſt, or Londonderry.

III. And be it enacted by the authority aforeſaid, That all and every perſon and perſons, who ſhall from and after the firſt day of June one thouſand ſeven hundred and ſixty eight import or bring any ſound merchantable wheat, flour of wheat, oats, bere, barley, or malt made of bere or barley, of the growth and produce of this kingdom from any port or place to the ſouthward of Cooley Point near Carlingford in the county of Lowth, by water coaſtways to any of the ports of Newry, Belfaſt, or Londonderry, and ſhall ſell and diſcharge the ſame in any of the markets or places, where ſuch wheat, flour of wheat, oats, bere, barley, or malt made of bere or barley, are uſually ſold in or near ſuch ports, ſhall, upon performing the ſeveral requiſites herein after mentioned in like manner receive from the collector for the time being of ſuch port, where ſuch corn or malt ſhall be ſo diſcharged, the ſum of four pence *per* hundred weight for each and every hundred

weight of ſuch wheat, flour of wheat, oats, bere, barley, or malt made of bere or barley, ſo to be brought from any ſuch port or place to the ſouthward of Cooly Point near Carlingford in the county of Lowth.

Notice in writing to the principal officer of the quantity and quality intended to be ſhipped,

IV. And be it further enacted by the authority aforeſaid, That the maſter of the ſhip, boat, or veſſel, in which ſuch wheat, flour of wheat, oats, bere, barley, or malt made of bere or barley, ſhall be brought to the city of Dublin, or to any of the ſaid ports of Newry, Belfaſt, or Londonderry, ſhall, before the ſame ſhall be ſhipped, give notice thereof in writing to the collector or principal officer of the port or diſtrict, where the ſame ſhall be ſhipped, and ſhall ſpecify in ſuch notice the quantity and quality of ſuch wheat, flour of wheat, oats, bere, barley, or malt made of bere or barley, intended to be ſhipped; and ſuch collector or principal officer ſhall thereupon direct one of the officers of ſuch port or diſtrict to attend the ſhipping of the ſame; and as ſoon as the ſame ſhall be ſhipped, ſuch officer ſhall make a return in writing to ſuch collector or principal officer of the quantity and quality of ſuch wheat, flour of wheat, oats, bere, barley, or malt ſo ſhipped; and in ſuch return the name of the ſhip, boat, or veſſel, in which ſuch wheat, flour, oats, bere, barley, or malt, ſhall be ſo ſhipped, and of the maſter thereof, ſhall be ſpecified, and alſo the time of ſhipping the ſame; and the ſaid return ſhall be ſigned by ſuch officer making the ſame; and the quantity, for which the premiums ſhall be paid, ſhall not exceed the quantity ſet forth in ſuch return; and the maſter of ſuch ſhip, boat, or veſſel, ſhall, after ſuch wheat, flour of wheat, oats, bere, barley, or malt ſhall be ſo ſhipped, make an affidavit before ſuch collector or neighbouring juſtice of the peace (which they are hereby impowered and required to take without fee or reward) of the quantity and quality of ſuch wheat, flour of wheat, oats, bere, barley, or malt ſo ſhipped, and in ſuch affidavit ſhall mention the name or names of the real owner or owners of ſuch cargo, and where they reſide; and ſuch collector or principal officer ſhall thereupon deliver to ſuch maſter a certificate under his hand and ſeal, in which ſhall be mentioned the quantity and quality of ſuch wheat, flour of wheat, oats, bere, barley, or malt ſo ſhipped, and alſo the name of the maſter and owner or owners of ſuch cargo; and ſuch collector or principal officer ſhall by the next poſt tranſmit to the officer appointed by act of parliament for paying the premiums upon the land carriage of corn and flour to the city of Dublin, or to the collector of the port where the ſame is intended

who ſhall order an officer to attend,

and make and ſign a return to him with name of the veſſel, and maſter, and time of ſhipping,

premium according to quantity in return,

affidavit by maſter before collector or a juſtice, with owner's name and reſidence,

collector to give certificate to maſter with the quantity and quality, and maſter's and owner's name,

and next poſt tranſmit copies to the officer for premiums on land-carriage or collector of the port where to be landed.

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tended to be landed, true copies of all ſuch returns, affidavits, and certificates.

Certificate delivered on arrival by maſter to ſuch officer and affidavit of the quantity and quality, owner's name, and place whence.

V. And be it enacted by the authority aforeſaid, That the maſter of ſuch ſhip, boat, or veſſel upon his arrival in the city of Dublin ſhall deliver to the ſaid officer, appointed for paying the ſaid premiums, or upon his arrival at any of the ſaid ports of Newry, Belfaſt, or Londonderry ſhall deliver to the collector of ſuch port ſuch certificate; and ſhall alſo make an affidavit before ſuch officer (which he is hereby impowered and required to take without fee or reward) in which ſhall be mentioned the quantity and quality of ſuch wheat, flour of wheat, oats, bere, barley, or malt, ſo brought, the name or names of the owners thereof, and the place from whence he brought the ſame.

Forging or producing forged certificate, affidavit, or note, or ſwearing falſe, impriſoned as for perjury.

VI. And be it enacted by the authority aforeſaid, That if any perſon or perſons ſhall forge any ſuch certificate, affidavit, or note, and ſhall produce to ſuch officer any ſuch certificate, affidavit, or note, knowing the ſame to be forged, or ſhall knowingly ſwear any thing that is falſe, in any ſuch affidavit, he, ſhe, or they ſhall upon conviction thereof ſuffer ſuch impriſonment, as perſons convicted of wilful perjury are by the laws of this kingdom ſubject to.

Accounts of payment kept as for premiums on land-carriage to Dublin,

and the officer furniſhed for payment in like manner,

VII. And be it enacted by the authority aforeſaid, That ſuch accounts ſhall be kept of the ſeveral payments which ſhall be made in purſuance of this act, for all corn imported coaſtways to the city of Dublin, as are directed to be kept by the ſeveral acts relative to the premiums upon the land carriage of corn and flour, brought to the city of Dublin; and that the officer, appointed by the ſaid acts for paying the ſaid premiums, ſhall from time to time be furniſhed with money to pay the premiums given by this act for all corn imported coaſtways to the city of Dublin in the ſame manner and by the ſame perſons, as by the ſaid acts is directed; and that the collectors of the ports of Newry, Belfaſt, and Londonderry ſhall be allowed reſpectively in their reſpective accounts whatever ſum or ſums of money, they ſhall reſpectively pay in purſuance of this act.

collectors allowed in accounts ſums paid.

No fee to any officer.

VIII. And be it enacted by the authority aforeſaid, That none of the officers herein before mentioned ſhall take any fee or reward whatſoever for any thing, he or they ſhall do in purſuance of the directions herein before given.

Continued till 24 June 1770.

IX. And be it further enacted by the authority aforeſaid, That this act ſhall continue in force until the twenty fourth of June in the year of our Lord one thouſand ſeven hundred and ſeventy, and no longer.

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CHAP. XXV.

An Act for the Relief of Debtors with reſpect to the Impriſonment of their Perſons.

WHEREAS many perſons ſuffer by the oppreſſion of inferior officers in the execution of proceſs for debt, and the exactions of gaolers to whom ſuch debtors are committed: for remedy whereof it may be reaſonable not only to enforce the execution of the laws now in being againſt ſuch oppreſſions and exactions, but likewiſe to make ſome further proviſions for the eaſe and relief of debtors, who ſhall be willing to ſatisfy their creditors to the utmoſt of their power: be it therefore enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That no ſheriff, under ſheriff, bailiff, ſerjeant at mace, or other officer or miniſter whatſoever ſhall at any time or times hereafter convey or carry, or cauſe to be conveyed or carried, any perſon or perſons by him or them arreſted, or being in his or their cuſtody by virtue or colour of any writ, proceſs, or warrant, to any tavern, ale-houſe, or other publick victualling or drinking houſe, or to the private houſe of any ſuch officer or miniſter, or of any tenant or relation of his, without the free and voluntary conſent of the perſon or perſons ſo arreſted or in cuſtody, nor charge any ſuch perſon or perſons with any ſum of money for any wine, beer, ale, victuals, tobacco, or any other liquor or things whatſoever, ſave what he, ſhe, or they ſhall call for of his, her, or their own free accord; nor ſhall cauſe or procure him, her, or them to call or pay for any ſuch liquor or things, except what he, ſhe, or they ſhall particularly and freely aſk for; nor ſhall demand, take, or receive, or cauſe to be demanded, taken or received directly or indirectly any other or greater ſum or ſums of money, than is or ſhall be by law allowed to be taken or demanded for ſuch arreſt, taking, detaining, or waiting, till the perſon or perſons ſo arreſted or in cuſtody ſhall have given an appearance or bail as the caſe ſhall require, or agreed with the perſon or perſons, at whoſe ſuit or proſecution he, ſhe, or they ſhall be taken or arreſted, or until he, ſhe, or they ſhall be ſent to the proper gaol belonging to the county, city, town or place, where ſuch arreſt or taking ſhall be; nor ſhall exact or take any reward, gratuity, or money for keeping the perſon or perſons ſo arreſted or in cuſtody out of gaol or priſon; nor ſhall carry any ſuch perſon to any gaol

Repealed by 11 G3. c. 8.

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or priſon within four and twenty hours from the time of ſuch arreſt; nor ſhall take or receive any other or greater ſum or ſums for one or more nights lodging, or for a days diet, or other expences, than what ſhall be allowed as reaſonable in ſuch caſes by ſome order or orders to be made by the juſtices of the peace of ſome quarter ſeſſions to be held for ſuch county, city, town, or place, where ſuch arreſt or taking ſhall be, who are hereby authorized and required with all convenient expedition to make ſome ſtanding order or orders for aſcertaining ſuch expences within their reſpective counties or precincts.

II. Provided always, That if any perſon or perſons ſhall after the commencement of this act be arreſted or in cuſtody of any ſheriff, under ſheriff, bailiff, ſerjeant at mace, or other officer or miniſter whatſoever by virtue of any writ, proceſs, or warrant, and ſuch perſon or perſons ſo arreſted ſhall refuſe to be carried to ſome ſafe and convenient dwelling houſe of his, her, or their own nomination and appointment, ſo as ſuch dwelling houſe ſhall be within a city or market town, in caſe ſuch perſon or perſons ſhall be there arreſted, or, if ſuch arreſt ſhall be made out of any city or market town, then within three miles from the place where ſuch arreſt ſhall be made, and ſo as ſuch houſe be not the houſe of the perſon arreſted, provided it be within the ſame county and liberty, that then it ſhall and may be lawful to and for ſuch ſheriff, or other officer, or miniſter to convey or carry the perſon or perſons ſo refuſing to ſuch gaol or priſon, as he, ſhe, or they is or are liable to be ſent to by virtue of ſuch writ or proceſs, any thing in this act to the contrary notwithſtanding.

III. And that no perſon may ſuffer by reaſon of his ignorance of the aforementioned proviſions made by this act, be it further enacted by the authority aforeſaid, That all and every ſheriff, under ſheriff, and other perſons intruſted with the execution of proceſs, ſhall deliver a printed copy of the ſaid clauſe to every bailiff, ſerjeant, or other officer by them reſpectively employed to execute warrants within their reſpective bailiwicks, and, when any ſuch bailiff or other officer ſhall give ſecurity upon his entering into office, ſhall require him to make it part of the condition of ſuch ſecurity, that he will ſhew and deliver a copy of the ſaid clauſe to every perſon, whom he ſhall arreſt by virtue of any warrant, and carry or cauſe to be carried to any publick or other houſe, and permit him or any friend of his to read the ſame before any liquor or meat ſhall be there called for; and in caſe any bailiff or other officer ſhall carry or cauſe to be carried to any publick or other houſe any perſon under his arreſt or in his cuſtody, and there permit any liquor or victuals to be call-

led for, before ſuch clauſe or copy of it ſhall be ſhewn and read by or to the priſoner, ſuch neglect or default beſides the breach of the condition of ſuch ſecurity ſhall be accounted a miſdemeanour in the execution of the proceſs, whereupon ſuch perſon is arreſted, and be puniſhed as ſuch. A. D. 1767. Chap. 25.

IV. And be it further enacted by the authority aforeſaid, That every ſheriff, under ſheriff, gaoler, keeper of any priſon or gaol, or other perſon or perſons whatſoever, to whoſe cuſtody or keeping any one ſo arreſted or taken ſhall be committed, on any pretence, ſhall permit and ſuffer him, her, or them, ſo arreſted or taken, at his, her, or their will and pleaſure to ſend for and have any beer, ale, victuals, or other neceſſary food, from what place they pleaſe, and alſo to have and uſe ſuch bedding, linnen, and other things, as he, ſhe, or they ſhall think fit, without purloining or detaining the ſame or any part thereof, or enforcing or requiring him, her, or them to pay for the having or uſing thereof, or putting any manner of reſtraint or difficulty upon him, her, or them in uſing thereof or relating thereto.

V. And be it further enacted by the authority aforeſaid, That no fees ſhall be taken by any gaoler or keeper of any gaol or priſon in this kingdom for any priſoner or priſoners commitment, or coming in to gaol, or chamber rent there, or diſcharge from thence, except what are now allowed by law, until ſuch fees ſhall be ſettled and eſtabliſhed by the lord chief juſtice of the court of King's bench, the lord chief juſtice of the court of common pleas, and the lord chief baron of the exchequer, for the time being, or any two of them, together with the lord mayor, and two of the aldermen, or with three of the aldermen of the city of Dublin, for and in reſpect of the gaols and priſons within the city of Dublin, and for the ſaid lord chief juſtices, and lord chief baron, or any two of them, with three juſtices of the peace of the county of Dublin, for and in reſpect of the gaols and priſons in the ſaid county, or in the liberties of ſaint Sepulchre's, ſaint Patrick, ſaint Thomas court, and Donore, and the juſtices of the peace for every other county, riding, and diviſion for the gaols and priſons in each reſpective county, riding, and diviſion, at the quarter ſeſſions of the peace to be held for ſuch county, riding, or diviſion, reſpectively; who are hereby impowered, directed, and required to ſettle and eſtabliſh the ſame, as ſoon as convenient may be; and tables ſhall be made of the reſpective rates and fees ſo ſettled and eſtabliſhed; and the tables of the ſaid fees for and in reſpect of the gaols and priſons within the city of Dublin and the liberties thereof ſhall be ſigned by the ſaid lords chief

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juſtices, and lord chief baron, and the lord mayor and aldermen of the city of Dublin, by whom the ſame ſhall be made; and the tables of the ſaid fees for and in reſpect of the reſt of the ſaid gaols and priſons ſhall be ſigned by three or more of the juſtices of the peace attending at the ſettling the ſaid fees in ſuch quarter ſeſſions of the peace as aforeſaid, and ſhall be reviewed and confirmed, or moderated, and then ſigned by the judges of the aſſize, or one of them, in the reſpective counties within their ſeveral circuits, together with three or more juſtices of the peace of each reſpective county, riding, and diviſion; and alſo rules and orders for the better government of priſons ſhall be forthwith made, and from time to time enlarged, enforced, or altered and amended, as occaſion ſhall require, by the ſeveral four courts in Dublin by rules and orders of the ſaid courts to be ſigned by the judges of each reſpective court, where ſuch rules and orders ſhall from time to time be made, for or in reſpect of the priſons belonging to ſuch courts reſpectively, as by the ſaid lords chief juſtices, and lord chief baron, or any two of them, together with the lord mayor, and two or more aldermen, or of three or more aldermen of the city of Dublin, for and in reſpect of the gaols and priſons within the city of Dublin, and by the ſaid lords chief juſtices, and lord chief baron, or any two of them, together with three or more juſtices of the peace, under their hands, for and in reſpect of the gaols and priſons within the liberties of the ſaid city, and by the reſpective judges of aſſize, or one of them, and three or more juſtices of the peace of each county, riding, or diviſion, under their hands, for and in reſpect of the gaols and priſons within their reſpective circuits, counties, ridings, and diviſions; and duplicates of ſuch tables of fees and rules ſhall be made and ſigned, and the ſame ſhall be tranſmitted to the courts of King's bench, common pleas, and exchequer, there to be entered and enrolled of record, without any fee to be taken for the enrolling thereof; and likewiſe ſuch of them, as relate to gaols in each particular county, riding, or diviſion, ſhall be regiſtered by the clerks of the peace in their reſpective precincts in the rolls of their reſpective ſeſſions without fee, and hung up in ſome open publick room or place in every gaol and priſon, there to remain and be reſorted to by every priſoner, as occaſion ſhall require; and that from and after ſuch tables and fees ſettled and confirmed as aforeſaid no gaoler or keeper of any gaol or priſon ſhall demand, take, or receive directly or indirectly of any priſoner or priſoners for debt any other or greater fee or fees whatſoever for his, her, or their commitment, chamber rent, releaſe, or diſcharge, than what ſhall be mentioned and allowed in ſuch liſt or table of fees ſo to be enrolled, regiſtered, and hung up as aforeſaid.

VI. And

VI. And be it further enacted by the authority aforeſaid, That the ſeveral courts of record in Dublin ſhall every Michaelmas term appoint ſome day to inquire, whether ſuch tables of fees and ſuch rules as aforeſaid be hung up, and remain publick and eaſy to be reſorted to, in the ſeveral priſons to the ſaid courts reſpectively belonging, and whether the ſame be duly complied with and obſerved, and cauſe eight days notice to be given to the priſoners in the ſaid priſon of the time appointed for ſuch inquiry; and ſhall inform themſelves touching the ſame in the beſt manner, they can, and ſupply and redreſs whatever they find neglected or tranſgreſſed; and that the judges and juſtices of aſſize and gaol delivery ſhall make inquiry of the matters aforeſaid at all aſſizes and ſeſſions of gaol delivery for and in reſpect of the gaols and priſons within their reſpective juriſdictions, and ſhall expreſsly give it in charge to the grand jury to inquire concerning the ſame.

VII. And for the more ſpeedy puniſhing gaolers, bailiffs, and others employed in the execution of proceſs, for extortions or other abuſes in their reſpective offices and places, be it further enacted by the authority aforeſaid, that upon the petition of any priſoner, or perſon being or having been under arreſt or in cuſtody, complaining of any exaction or extortion by any gaoler, bailiff, or other officer or perſon employed in the keeping or taking care of any gaol or priſon, or the arreſting or apprehending any perſon or perſons by virtue of any warrant or proceſs, or any other abuſe whatſoever committed or done in their reſpective offices or places unto any of his Majeſty's courts of record in Dublin from whence ſuch proceſs iſſued, or under whoſe power ſuch gaol or priſon is, in term time, or to any of the juſtices or barons of ſuch courts in the time of vacation; or to the lord mayor, recorder, and ſheriffs of Dublin, or to any or either of them, or to the judges of aſſize or either of them in their reſpective circuits, it ſhall and may be lawful for the ſaid court, juſtices, or barons, lord mayor, recorder, and ſheriffs of Dublin, or judges of aſſize, to hear and determine the ſame in a ſummary way, and to make ſuch order thereupon for redreſſing ſuch abuſe, and puniſhing of ſuch officer or perſon complained of, and making reparation to the party or parties injured, as they ſhall think juſt, together with the full coſts of ſuch complaint: and all orders and determinations, which ſhall be made by the ſaid courts, or any of the ſaid juſtices, barons, or judges of aſſize, or lord mayor, recorder, or ſheriffs of Dublin, reſpectively, in ſuch ſummary way as herein preſcribed, ſhall have the ſame effect, force, and virtue to all intents and purpoſes, as any other orders of the ſaid reſ-

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ſpective courts, and obedience thereunto may be enforced either by attachments ordered by the ſaid reſpective courts, or by attachments to be iſſued under the ſeal of the ſaid courts by direction of the juſtice, baron, or judge making ſuch order, or by diſtreſs and ſale of the offender's goods by order of the lord mayor and recorder of Dublin within the county of the city of Dublin.

VIII. And be it further enacted by the authority aforeſaid, That the ſaid lords chief juſtices, lord chief baron, the lord mayor, recorder, and aldermen of Dublin, judges of aſſize, and juſtices of the peace in their reſpective juriſdictions, and all commiſſioners for charitable uſes, do their beſt endeavours and diligence to examine and diſcover the ſeveral gifts, legacies, and bequeſts beſtowed and given for the benefit and advantage of the poor priſoners in the ſaid ſeveral gaols and priſons, and to ſend for any deeds, wills, writings, and books of accounts whatſoever, and any perſon or perſons concerned therein, and to examine them upon oath to make true diſcovery thereof (which they have hereby full power and authority to do) and to order and ſettle the payment, recovery, and receipt of the ſame, when ſo diſcovered and aſcertained, in ſuch eaſy and expeditious manner and way, that the priſoners for the future may not be defrauded, but receive the full benefit thereof, according to the true intent of the donors; and that liſts or tables of ſuch gifts, legacies and bequeſts, for the benefit of the priſoners in every gaol or priſon reſpectively, fairly written, ſhall be likewiſe hung up in ſuch gaols and priſons reſpectively in ſome open room or place, to which the priſoners may have reſort, as occaſion ſhall require, without fee or reward, and ſhall be regiſtered by the clerks of the peace of the reſpective counties and places in manner aforeſaid.

IX. And for the eaſe and relief of priſoners, who ſhall be willing to ſatisfy their creditors, as far as they are able, be it further enacted by the authority aforeſaid, That if any perſon or perſons charged in execution, or confined upon any writ or other meſne proceſs, for any ſum or ſums of money not exceeding in the whole the ſum of one hundred pounds, from and after the firſt day of Auguſt, which was in the year of our Lord one thouſand ſeven hundred and ſixty ſeven, with reſpect to priſoners charged or to be charged in execution, or confined upon any writ or other meſne proceſs as aforeſaid, in the priſon of the marſhalſea of the four courts Dublin, or marſhalſea of the city of Dublin, and from and after the firſt day of Auguſt, which was in the year of our Lord one thouſand ſeven hundred and ſixty ſeven, with reſpect to priſoners charged or to be charged

in execution, or confined upon any writ or other meſne proceſs as aforeſaid, in any other gaol or priſon, ſhall be minded to deliver up to his, her, or their creditors all his, her, or their effects towards the ſatisfaction of the debts, wherewith he, ſhe, or they ſtand charged, it ſhall and may be lawful for ſuch priſoner to exhibit a petition to any of the courts of law, from whence the proceſs iſſued, upon which he, ſhe, or they was or were taken, or charged in execution, or confined upon any writ or other meſne proceſs, certifying the cauſe or cauſes of his, her, or their impriſonment, and an account of his, her, or their whole real and perſonal eſtate, with the dates of the ſecurities wherein any part of it conſiſts, and the deeds or notes relating thereto, and the names of the witneſſes to the ſame, as far as his, her, or their knowledge extends thereto; and upon ſuch petition the court may, and is hereby required, by order or rule of court to cauſe the priſoner to be brought up, and the ſeveral creditors, at whoſe ſuit he, ſhe, or they ſtand charged as aforeſaid, to be ſummoned to appear perſonally or by their attorney in court at a day to be appointed for that purpoſe; and upon the day of ſuch appearance, if any of the creditors ſummoned refuſe or neglect to appear, upon affidavit of the due ſervice of ſuch rule or order the court ſhall in a ſummary way examine into the matter of ſuch petition, and hear what can or ſhall be alledged on either ſide for or againſt the diſcharge of ſuch priſoner; and upon ſuch examination the court may and are hereby required to adminiſter or tender to the priſoner an oath to the effect following, which oath the ſaid court is hereby impowered to adminiſter.

I A. B. *do ſolemnly ſwear in the preſence of Almighty God, that the account, by me delivered in to this honourable court, in my petition to this court doth contain a true and full account of all my real and perſonal eſtate, debts, credits, and effects whatſoever, which I or any in truſt for me have, or at the time of my ſaid petition had, or am or was in any reſpect entitled to in poſſeſſion, remainder, or reverſion (except the wearing apparel and bedding for me or my family, and the tools or inſtruments of my trade or calling, not exceeding ten pounds in value in the whole) and that I have not at any time ſince my impriſonment or before directly or indirectly ſold, leaſed, aſſigned, or otherwiſe, diſpoſed of, or made over in truſt for myſelf or otherwiſe, other than is mentioned in ſuch account, any part of my lands, eſtate, goods, ſtock, money, debts, or other real or perſonal eſtate, whereby to have or expect any benefit or profit to myſelf or to defraud any of my creditors to whom I am indebted.*

So help me God.

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And in caſe the ſaid priſoner ſhall in open court take the ſaid oath, and upon ſuch examination, and his or taking the ſaid oath, the creditors ſhall be ſatisfied with the truth thereof, the court may immediately order the lands, goods, and effects contained in ſuch account, or ſo much of them as may be ſufficient to ſatisfy the debts wherewith he or ſhe is or ſhall be charged, and the fees due to the marſhal or keeper of the gaol or priſon from which the priſoner was brought, to be by a ſhort indorſement on the back of ſuch petition, ſigned by the priſoner, aſſigned to the ſaid creditors, or one or more of them in truſt for the reſt of them; and by ſuch aſſignment the eſtate, intereſt, and property of the lands, goods, debts, and effects ſo aſſigned ſhall be veſted in the perſon or perſons, to whom ſuch aſſignment is or ſhall be made, who may take poſſeſſion of or ſue for the ſame in his or their own name or names in like manner as aſſignees of commiſſioners of bankrupts; to which ſuit no releaſe of the priſoner, his or her executors or adminiſtrators, or any truſtee for him or her, ſubſequent to ſuch aſſignment ſhall be any bar; and immediately upon ſuch aſſignment executed the ſaid priſoner ſhall be diſcharged out of cuſtody by order of court; and ſuch order ſhall be a ſufficient warant to the ſheriff, gaoler, or keeper of ſuch priſon to diſcharge the ſaid priſoner, if detained for the cauſes mentioned in ſuch petition, and no other; and he is hereby required to diſcharge and ſet him or her at liberty forthwith without fee, nor ſhall ſuch ſheriff or gaoler be liable to any action of eſcape or other ſuit or information upon that account; and the perſon or perſons, to whom the ſaid effects ſhall be aſſigned, paying the fees to the gaoler or keeper of the priſon in whoſe cuſtody the party diſcharged was, ſhall and are hereby required to divide the effects ſo aſſigned among themſelves and all the perſons for, whom they ſhall be intruſted, in proportion to their reſpective debts: but in caſe the perſon or perſons, at whoſe ſuit ſuch priſoner was charged in execution, or confined upon writs or other meſne proceſs, or any of them, ſhall not be ſatisfied with the truth of ſuch oath, but ſhall deſire further time to inform himſelf of the matters contained therein, the ſaid court may and ſhall remand the ſaid priſoner, and direct the ſaid priſoner and the perſon or perſons diſſatisfied with ſuch oath to appear at another day, to be appointed by the ſaid court ſometime within the firſt week of the term next following the time of ſuch examination; and if at ſuch ſecond day ſo to be appointed the creditor or creditors diſſatisfied with ſuch oath ſhall make default in appearing, or in caſe he or they ſhall appear, but ſhall be unable to diſcover any eſtate or effects of the priſoner

omitted

omitted in ſuch his or her petition, or to ſhew any probability of his or her having been forſworn in the ſaid oath, then the ſaid court ſhall immediately cauſe the ſaid priſoner to be diſcharged upon ſuch aſſignment of his or her effects in manner as aforeſaid; unleſs ſuch creditor or creditors do inſiſt upon his or her being detained in priſon, and do agree by writing under his hand to pay and allow weekly a ſum not exceeding two ſhillings and four pence *per* week unto the ſaid priſoner, to be paid the firſt day of every week ſo long as he or ſhe ſhall continue in priſon at his, her, or their ſuit; on failure of the payment of which weekly ſum at any time the ſaid priſoner ſhall forthwith upon application to the court be diſcharged by ſuch order as aforeſaid; but in caſe the ſaid priſoner ſhall refuſe to take the ſaid oath, or, having taken the ſame, ſhall be detected of falſity therein, he or ſhe ſhall be preſently remanded, and further puniſhed according to law.

X. Provided always, and be it further enacted by the authority aforeſaid, That the perſons of the debtor or debtors ſo diſcharged ſhall never after be arreſted for the ſame debt or debts: but yet notwithſtanding ſuch diſcharge the judgment and debt againſt him ſhall ſtand and remain in force, and execution may be taken out thereon againſt his lands, tenements, or hereditaments, goods, and chattles, (his wearing apparel, bedding for himſelf and family, and neceſſary tools for the uſe of his trade or occupation, excepted) in the ſame manner as if he had never been taken in execution or upon any writ or other meſne proceſs for the ſaid debt.

XI. Provided alſo, and be it further enacted by the authority aforeſaid, That if any ſuch perſon, who ſhall take ſuch oath as aforeſaid, ſhall upon any indictment for perjury in any matter or particular contained in the ſaid oath be convicted by his or her own confeſſion, or by verdict of twelve men, as he or ſhe may be by force of this act, the perſon ſo convicted ſhall ſuffer all the pains and forfeitures, which may by law be inflicted on any perſon convicted of wilful perjury, and ſhall likewiſe be liable to be taken upon any proceſs *de novo*, and charged in execution for the ſaid debt, in the ſame manner as if he or ſhe had never been diſcharged or taken in execution before, and ſhall never after have the benefit of this act.

XII. Provided alſo, and be it further enacted by the authority aforeſaid, That if the effects ſo aſſigned ſhall not extend to ſatisfy the whole debts due to the per-

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ſons, at whoſe ſuit he or ſhe was charged, and the fees due to the gaoler, there ſhall be an abatement in proportion; and ſuch gaoler ſhall come in as a creditor, for what ſhall be then due to him for his fees, in proportion with the creditors, at whoſe ſuit he or ſhe was charged in execution.

XIII. And be it further enacted by the authority aforeſaid, That where there are mutual debts between the plaintiff and defendant, or if either party ſue or be ſued as executor or adminiſtrator, where there are mutual debts between the teſtator or inteſtate and either party, one debt may be ſet againſt the other, and ſuch matter may be given in evidence upon the general iſſue or pleaded in bar, as the nature of the caſe ſhall require; ſo as at the time of his pleading the general iſſue, where any ſuch debt of the plaintiff, his teſtator or inteſtate, is intended to be inſiſted on in evidence, notice ſhall be given of the particular ſum or debt ſo intended to be inſiſted on, and upon what account it became due, or otherwiſe ſuch matter ſhall not be allowed in evidence upon ſuch general iſſue.

XIV. And be it further enacted by the authority aforeſaid, That this act ſhall continue in force for five years, and from thence to the end of the then next ſeſſion of Parliament, and no longer.

XV. And be it further enacted by the authority aforeſaid, That every ſheriff, under ſheriff, bailiff, ſerjeant at mace, or other officer or miniſter aforeſaid, offending againſt this act, ſhall (over and above ſuch penalties or puniſhments as he ſhall be liable unto by the laws now in force) for every offence againſt this preſent act forfeit and pay to the party thereby aggrieved the ſum of fifty pounds: to be recovered with treble coſts of ſuit by action of debt, bill, plaint, or information in any of the four courts at Dublin, wherein no eſſoign, protection, or wager of law, or more than one imparlance, ſhall be allowed.

CHAP.

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CHAP. XXVI.

An Act for applying the Sum of Six Thouſand Pounds, granted by Parliament to the Corporation for promoting and carrying on an inland Navigation in this Kingdom, to be by them applied in carrying on a Navigation from the City of Limerick to the deep navigable Water above the Town of Killaloe, and for encouraging other Perſons to ſubſcribe for carrying on and compleating the ſaid Work at their own Expence.

WHEREAS by an act paſſed this ſeſſion, entitled, *an Act for granting and continuing to his Majeſty an additional duty on beer, ale, ſtrong waters, wine, tobacco, hides, and other goods and merchandizes therein mentioned, and for prohibiting the importation of all gold and ſilver lace, (except of the manufacture of Great Britain,)* the ſum of ſix thouſand pounds was granted to the corporation for promoting and carrying on an inland navigation in this kingdom, to be by them applied towards carrying on the navigation of the river Shannon from the city of Limerick to the deep navigable water above the town of Killaloe, as ſoon as the ſum of ten thouſand pounds ſhall be ſubſcribed for compleating the ſaid work, and twenty pounds *per cent.* thereof ſhall be paid into ſuch perſon or perſons, as ſhall for that purpoſe be appointed by the ſaid corporation: and whereas it is reaſonable and juſt, that the perſons, who ſhall advance their money in purſuance of the ſaid act, ſhould be entruſted with the conduct of the ſaid works, and ſhould alſo have ſome compenſation for their expence and trouble: be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, that the ſaid corporation ſhall on or before the firſt day of June next open a ſubſcription for carrying on and compleating the ſaid navigation; and that the ſame ſhall be kept open, until the ſum of ten thouſand pounds ſhall be ſubſcribed for the purpoſe aforeſaid. 7 G. 3. 1. ſec. 7.

The corporation by 1ſt June next to open a ſubſcription for ſaid navigation till 10000l. ſubſcribed.

II. And be it enacted by the authority aforeſaid, That ſuch ſubſcribers ſhall, within the ſpace of one calendar month after ſuch ſubſcription ſhall be cloſed, pay in twenty pounds *per cent.* of the ſums by them reſpectively ſubſcribed to ſuch perſon or perſons, as ſhall be appointed for that purpoſe by the ſaid corporation; and in default thereof the ſubſcription of every perſon ſo failing to pay ſhall be abſolutely void to all intents and purpoſes; and the ſaid corporation ſhall open a new ſubſcription for

Subſcribers in a month after cloſing to pay 20 *per cent.*

or void, and new ſubſcription opened.

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filling up ſuch deficiency, and proceed therein in the manner herein before directed.

None under 50l.

III. Provided always, That no perſon ſhall be admitted to ſubſcribe leſs than fifty pounds.

Certificate of paying 20 *per cent.*

IV. And be it enacted by the authority aforeſaid, That the ſaid corporation ſhall give to the ſaid reſpective ſubſcribers, after they ſhall have reſpectively paid in twenty pounds *per cent.* of their reſpective ſubſcriptions as aforeſaid, a certificate under the ſeal of the ſaid corporation, in which ſhall be mentioned the ſums by them reſpectively ſubſcribed and paid.

Such ſubſcribers erected into a company by name,

V. And be it enacted by the authority aforeſaid, That as ſoon as twenty pounds *per cent.* upon all ſuch ſubſcriptions ſhall be paid in as aforeſaid, ſuch ſubſcribers ſhall be united and erected into one company for carrying on the ſaid navigation, and ſhall from thenceforth be one body politic and corporate, by the name of the company of undertakers for making the river Shannon navigable, and ſhall have perpetual ſucceſſion and a common ſeal,

with a common ſeal, &c.

and by that name may ſue and be ſued.

May meet in Limerick, and adjourn,

VI. And be it enacted by the authority aforeſaid, That it ſhall be lawful to and for the ſaid company from time to time, as often as occaſion ſhall require, to aſſemble in the city of Limerick, and from time to time to adjourn ſuch aſſemblies, and at ſuch aſſemblies or the adjournments thereof to make ſuch by laws, rules, and orders for the better government of their affairs and of their members, and for making ſuch contracts and agreements, and for appointing ſuch ſervants and perſons for carrying on the ſaid navigation, as they ſhall think fit, and to vary or repeal ſuch by laws, rules, and orders, and make new ones: provided all ſuch by laws, rules, and orders ſhall be conſiſtent with law: provided alſo, that eight days notice at the leaſt, including the day of ſuch notice and the day of meeting, previous to ſuch meeting ſhall be given of the time and place of holding ſuch aſſemblies in the publick news papers of the city of Limerick.

make and vary by laws and rules for their conduct conſiſtent with law,

8 days notice of meeting in the Limerick papers.

The joint ſtock 100000l.

VII. And be it enacted by the authority aforeſaid, That the joint ſtock of the ſaid company ſhall be the ſaid ſum of ten thouſand pounds ſo ſubſcribed as aforeſaid; and the ſame ſhall be divided into ſhares of fifty pounds each; and in caſe it ſhall be found neceſſary to ſubſcribe any further ſum or ſums for compleating the ſaid navigation, ſuch further ſums ſo ſubſcribed ſhall be added to and become part of the joint ſtock of the ſaid company.

in ſhares 50l. each,

further ſubſcriptions, if neceſſary, added thereto,

5 ſhares intitles to vote or meddle,

VIII. And be it enacted by the authority aforeſaid, That no perſon ſhall vote at any aſſembly of the ſaid company, or have any right to intermeddle in any ſort in the affairs of the ſaid company,

company, unleſs he or ſhe ſhall have in his or her own name and right, or in right of his or her teſtator or inteſtate, at leaſt five ſhares of ſuch joint ſtock; and that every member of the ſaid company ſhall have one vote in all ſuch aſſemblies for every five ſhares, he or ſhe ſhall have in ſuch joint ſtock; and that the reſpective members, who ſhall have a right to vote at ſuch aſſemblies, may appear either in perſon or by proxy appointed by an inſtrument in writing under their reſpective hands and ſeals; and that the majority of votes at ſuch aſſemblies ſhall determine all matters in queſtion; and if there ſhall be an equality of votes, the chairman of ſuch aſſemblies ſhall have a caſting vote beſides his vote as a member of the ſaid company.

1 vote every 5 ſhares,

in perſon or by proxy under hand and ſeal,

chairman to have caſting vote beſides his own.

IX. Provided always, That at every ſuch aſſembly there ſhall be preſent either in perſon or by proxy ſeven members at the leaſt, who ſhall have a right to vote thereat.

7 preſent or by proxy.

X. And be it enacted by the authority aforeſaid, That all the accounts, tranſactions, and proceedings of the ſaid company ſhall be regularly and fairly entered in books to be kept for that purpoſe; to which every perſon, having in his own name and right any ſhare in ſuch joint ſtock, or his or her repreſentative or repreſentatives, may have acceſs at all reaſonable times to inſpect.

Books of account kept.

XI. And be it enacted by the authority aforeſaid, That the ſaid corporation ſhall pay to the ſaid company, or to ſuch perſon or perſons as ſhall be authorized by the ſaid company to receive the ſame, the ſaid ſum of ſix thouſand pounds, and alſo ſuch ſums as ſhall have been paid in upon ſuch ſubſcriptions, to be applied by them in carrying on the ſaid navigation, and to be accounted for to Parliament.

The corporation to pay the company ſaid 6000l. and ſubſcriptions,

applied to ſaid navigation,

and accounted for to parliament.

XII. And be it enacted by the authority aforeſaid, That the ſeveral lands, tenements, and hereditaments, bridges, locks, ſluices, drains, banks, dams, towing paths, and other ways, which are now veſted in the ſaid corporation for the purpoſes of carrying on the ſaid navigation between the city of Limerick and the deep navigable water above the town of Killaloe, and alſo all the materials and utenſils which have been or ſhall be provided before the firſt day of June next for carrying on the ſaid work, and alſo all ſums of money which have been granted for carrying on the ſaid work, and which remain unapplied, ſhall, from and immediately after ſuch company ſhall be ſo erected as aforeſaid, be veſted in the ſaid company and their ſucceſſors; and that ſuch company and their ſucceſſors ſhall from and after the time aforeſaid be inveſted with, and ſhall hold and enjoy, all and ſingular the powers, privileges, advantages, and authorities in all things

Lands, locks, &c. now veſted in the corporation, and all materials, and money granted for ſaid work, and unapplied, veſted in the company,

with like powers as by ſeveral acts, but ſubject to reſtrictions therein, and to controul of ſaid corporation.

for the purpoſes of carrying on the ſaid navigation, as are now veſted in the ſaid corporation by virtue of ſeveral acts made in this kingdom; ſubject nevertheleſs to the ſeveral reſtrictions in the ſaid acts mentioned, and ſubject nevertheleſs from time to time to the controul of the ſaid corporation.

But not to debts or damages incurred by the corporation.

XIII. Provided always, That the ſaid company ſhall not be ſubject to any debts or damages already contracted or incurred, or which ſhall be contracted or incurred before the firſt day of June next, by the ſaid corporation or any perſons acting under their authority.

Rates payable to the company,

XIV. And be it enacted by the authority aforeſaid, That in conſideration of the expence and trouble which the ſaid company ſhall be put to in making and maintaining the ſaid navigation, it ſhall and may be lawful to and for the ſaid company and their ſucceſſors from time to time, and at all times hereafter, to aſk, demand, receive, and ſue for to the uſe of the ſaid company the ſeveral rates and duties herein after mentioned (that is to ſay)

veſſels carrying goods between Limerick and O'Brien's bridge 15d. *per* tun, paſſengers 2d. each,

for every boat, barge, or other veſſel, navigating the ſaid river between the city of Limerick and O'Brien's bridge either upwards or downwards, in which any goods, merchandizes, or commodities ſhall be carried, the ſum of fifteen pence for every tun of the burthen or tunnage of ſuch boat, barge, or other veſſel, and for each paſſenger in the ſame two pence;

to or from Killaloe or the deep water above, 2s. and 6d. *per* tun, paſſengers 4d.

and for every boat, barge, or other veſſel, paſſing to or from the town of Killaloe or the deep navigable water above the ſaid town, in which any goods, merchandizes, or commodities ſhall be carried, the ſum of two ſhillings and ſix pence for every tun of the burthen or tunnage of ſuch boat, barge, or other veſſel, and for every paſſenger in the ſame four pence.

On refuſal, diſtreſs as for rent, or ſued by civil bill,

XV. And be it enacted by the authority aforeſaid, That in caſe of refuſal to pay the ſaid ſeveral rates and duties it ſhall and may be lawful to and for the ſaid company and their ſervants either to diſtrain ſuch boats, barges, or other veſſels, or the goods therein, for the ſame, and to diſpoſe thereof as is uſual in caſes of diſtreſs for non payment of rent, or to ſue for and recover the ſame by civil bill;

Diſputes ſettled by any juſtice of county or city of Limerick,

and in caſe any diſpute ſhall ariſe concerning the ſum to be paid for any ſuch rate, the ſame ſhall be adjuſted by any juſtice of the peace of the county or city of Limerick,

Appeal to next judge of aſſize.

with liberty of appeal to either party from ſuch determination to the next going judges of aſſize for the county of Limerick, whoſe determination therein ſhall be final.

No other duty taken for goods.

XVI. And be it enacted by the authority aforeſaid, That no duty, rate, or cuſtom whatſoever, ſave the rates herein mentioned, ſhall be taken for any goods, merchandizes, or commodities;

ditiés, which ſhall be carried by the ſaid navigation to the city of Limerick.

No duty on boats with manure or for pleaſure, with turf 2d. *per* ton.

XVII. Provided always, That boats or other veſſels laden with dung or manure only, or boats uſed for pleaſure only, ſhall pay no duty; and that boats or other veſſels laden with turf only ſhall pay no more than at the rate of two pence *per* ton.

Proprietors entitled in proportion to their intereſts, their ſtock perſonal eſtate, not ſubject to popery laws.

XVIII. And be it enacted by the authority aforeſaid, That the proprietors of the ſaid joint ſtock, their executors, adminiſtrators, and aſſigns, ſhall be entitled to the tolls, duties, advantages, and profits, hereby veſted in the ſaid company, in proportion to their reſpective intereſts in the joint ſtock of the ſaid company; and that their ſaid ſeveral intereſts therein ſhall be deemed and conſidered as perſonal eſtate, and not ſubject to any of the laws made to prevent the growth of popery.

Aſſignments of ſtock entered in companies book.

XIX. And be it enacted by the authority aforeſaid, That every aſſignment, which ſhall be made of any part of the ſaid joint ſtock, ſhall be entered and made in a book for that purpoſe, to be kept at ſuch place as ſhall be appointed by the ſaid company.

Aſſembly may call on proprietors to pay ſubſcriptions, and further ſums not exceeding 20l. *per cent.* of original ſubſcription,

XX. And be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the aſſemblies, convened as herein before is directed, from time to time and at all times, as occaſion ſhall require, to make one or more call or calls upon the ſeveral proprietors of the ſaid joint ſtock to pay in the remainder of their reſpective ſubſcriptions, and alſo ſuch further ſums as ſhall be found neceſſary for compleating the ſaid navigation: provided, ſuch further ſums ſhall not exceed in the whole twenty pounds *per cent.* of the original ſubſcriptions; and in caſe of any of the proprietors of the ſaid joint ſtock, their repreſentatives or aſſigns, ſhall refuſe or neglect to pay the ſums ſo called for within ten days after the time, appointed by ſuch aſſemblies for the payment thereof, notice ſhall be given in the publick news papers of the city of Limerick, that the ſaid company will proceed to ſell by publick cant on ſuch day, as ſhall be ſpecified in ſuch notice, the ſhare or ſhares of the perſon or perſons ſo refuſing or neglecting to pay the ſum or ſums ſo called for; and unleſs ſuch perſon or perſons ſhall before the day ſpecified in ſuch notice to pay the reſpective ſums ſo called for, the ſaid company, or ſuch perſon as they ſhall appoint for the purpoſe, ſhall ſell by publick cant at the tholſel of Limerick the ſhare or ſhares of the perſon or perſons ſo refuſing to pay; and the money, for which the ſame ſhall be ſo ſold, ſhall be paid to the ſaid company for the uſe of ſuch proprietor or proprietors; and ſuch proprietor or proprietors ſhall from thenceforth be for ever barred of ſuch ſhare or ſhares, and all profits ariſing therefrom, and of all intereſt

On refuſal 10 days notice of ſale of ſuch ſhares in Limerick papers.

ſale purſuant thereto by publick cant, if not paid.

and ſuch proprietors barred, and the ſhares veſted in purchaſers,

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tereſt in the ſame both in law and equity; and ſuch ſhare or ſhares, and all profits and advantages ariſing therefrom, ſhall from thenceforth be veſted in ſuch purchaſer or purchaſers.

21 days notice of ſale.

XXI. Provided always, That ſuch notice ſhall be given at leaſt twenty one days previous to every ſuch ſale, including the day of ſuch notice and the day of ſuch ſale.

Turnpikes may be erected on track-ways,

XXII. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid company to erect one or more turnpike or turnpikes upon and acroſs any of the track-ways, which now are or ſhall be made on either ſide of the ſaid navigation, and to take and receive at the ſame the following tolls, for which they may diſtrain and ſell, as is uſual at other turnpikes (that is to ſay) for every coach, berlin, chariot, or chaiſe, drawn by ſix horſes, one ſhilling; for every coach, berlin, chariot, or chaiſe, drawn by leſs than ſix horſes, and more than one, ſix pence; for every waggon, cart, or carriage with four wheels, ſix pence; for every chaiſe with one horſe, three pence; for every carr or cart with more than one horſe, two pence; and for every carr or cart with one horſe one penny.

and toll as uſual taken, coach and 6 horſes, 1s. under 6, 6d; 4 wheeled waggon, &c. 6d. one horſe chaiſe, 3d. cars 1d. with more than 1 horſe 2d.

Toll but once a day.

XXIII. Provided always, That ſuch toll ſhall be paid only at one gate, and but once only in the ſame day.

A ferry at Rebough, and toll as uſual,

XXIV. And be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid company and their ſucceſſors to eſtabliſh and keep a ferry over the river Shannon from Rebough to the oppoſite ſide of the ſaid river, and to take at the ſame the following tolls, for which they may diſtrain and ſell, as is uſual in caſes of ferries, (that is to ſay) for every coach, berlin, chariot, or chaiſe, drawn by ſix horſes, one ſhilling; for every coach, berlin, chariot, or chaiſe, drawn by more than one horſe, ſix pence; for every chaiſe with one horſe three pence; for every cart or car with one horſe three half pence; for every horſe, mare, or mule one penny; and for every paſſenger one halfpenny.

a coach and 6, 1s; with more than 1, 6d; 1 horſe chaiſe, 3d, cars, 1½d. a horſe 1d; paſſenger ½d.

Proportionable dividends at or in 15 days after Lady-day and Michaelmas.

XXV. And be it enacted by the authority aforeſaid, That the clear profits, which ſhall ariſe to the ſaid company from the ſeveral duties hereby veſted in them, or otherwiſe, or ſo much thereof as ſhall be thought proper, ſhall from time to time at Lady day and Michaelmas, or within fifteen days after the ſaid feaſt days reſpectively, be paid and divided to and amongſt the reſpective proprietors of the ſaid joint ſtock in proportion to their ſhares and intereſt therein.

Owner's name and abode with the tunnage ſet on their veſſels,

XXVI. And be it enacted by the authority aforeſaid, That the owners of all boats, barges, and other veſſels, navigating the ſaid river between the city of Limerick and the town of Killaloe,

ſhall

ſhall cauſe his, her, or their name or names and places of abode together with the dimenſions or tunnage of their reſpective boats, barges, or other veſſels, to be ſet on ſome conſpicuous part of ſuch boats, barges, or other veſſels; and in default thereof every ſuch owner ſhall forfeit the ſum of forty ſhillings, to be recovered by any perſon, who ſhall ſue for the ſame by civil bill, for his own uſe.

penalty 40s. to proſecutor by civil bill.

XXVII. And be it enacted by the authority aforeſaid, That the maſter of every boat, barge, and other veſſel, navigating the ſaid river, and the owner thereof ſhall be anſwerable for any damage or miſchief, which ſhall be done by any of the crew or perſons belonging to ſuch boat, barge, or other veſſel to any of the works of the ſaid navigation, or to any of the goods laden in ſuch boat, barge, or other veſſel.

Anſwerable for damage by the crew.

XXVIII. And be it enacted by the authority aforeſaid, That in caſe any perſon or perſons ſhall wilfully break down or damage any of the works, which are already made or which ſhall be made for the uſe of the ſaid navigation, all and every perſon and perſons ſo offending, and being thereof convicted upon an information or indictment, ſhall forfeit to the ſaid company treble the ſum neceſſary to be laid out in repairing ſuch damage; which ſum ſhall be aſcertained by the jury, who ſhall try ſuch offence; and the judge, before whom ſuch offence ſhall be tried, ſhall commit ſuch offender or offenders to the common gaol, till he or they ſhall pay to the ſaid company the ſum or ſums ſo aſcertained; and ſuch offence may be layed or tried either in the county or in the county of the city of Limerick.

Perſons breaking or damaging the works forfeit treble to the company on indictment, &c.

aſcertained by the jury,

impriſonment till paid,

tried in county or city of Limerick.

XXIX. And be it enacted by the authority aforeſaid, That if any ſuit ſhall be commenced or proſecuted againſt any perſon or perſons for any thing, which ſhall be done in purſuance of this act, ſuch perſon or perſons may plead the general iſſue, and give the ſpecial matter in evidence; and this act ſhall be deemed and taken to be a publick act.

Perſons ſued for acting may plead the general iſſue, &c.

a publick act.

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CHAP. XXVII.

An Act for the further Improvement of His Majeſty's Revenue, and for continuing and amending ſeveral Acts therein particularly mentioned.

Wines damaged,

33 G. 2. 10 *ſec.* 39 & 40 recited,

WHEREAS by an act made and paſſed in the thirty third year of the reign of his late Majeſty King George the ſecond, entitled, *An act for the better regulating the collection of his Majeſty's revenue, and for preventing of frauds therein, and for repealing an act made the laſt ſeſſions of Parliament*, entitled, *An act for continuing and amending ſeveral laws heretofore made, relating to his Majeſty's revenue, and for the more effectual preventing of frauds in his Majeſty's cuſtoms and exciſe*, and the ſeveral acts and ſtatutes which are mentioned in the ſaid act, and continued thereby, it was among ſeveral other things enacted, That in caſe any merchant or other perſon ſhould find his wine or any part thereof in his judgment ſo damaged, corrupt, or unmerchantable, as not to be worth the duties, in ſuch caſe ſuch merchant ſhould have liberty immediately after the landing the ſaid wines to ſtave or ſpill the ſame, or mix each hogſhead with twenty pounds weight of ſalt, and ſo in proportion for any greater or leſſer caſk, in manner as by the ſaid recited act is directed; and that the merchant, ſo ſtaving and ſpilling or mixing ſuch wine with ſalt, ſhould be repaid the whole duty paid by him for the ſame; and that over and above the duties repaid for the ſame the merchant or other perſon ſhould for every ton of wine ſo deſtroyed, if of the growth of Germany or wines which pay duties as ſuch, be allowed as a compenſation for the freight and other charges the ſum of four pounds, and for every tun of wine of the growth of France the ſum of forty ſhillings, and for wines of the growth of Portugal, Spain, and elſewhere, the ſum of ſix pounds, and ſo proportionably for a greater or leſſer quantity: and whereas ſince the paſſing of the ſaid recited act frauds have been attempted by importing brandy and other liquors, mixed with ſome ſmall portion of damaged or corrupt wine in order to colour the ſame, with intent to entitle themſelves to the repayment of duty, and alſo to the compenſation allowed by the ſaid recited act for freight, and, after being mixed with ſalt as by the ſaid act is directed, the liquors ſo mixed are diſtilled, and thereby become ſtrong waters or ſpirits perfectly made, and the revenue is thereby defrauded of the duty payable for ſuch liquors, had the ſame been fairly entered as ſpirits, as alſo the amount of the freight,

evaded by importing other liquors mixed with corrupt wines, and diſtilling after being mixed with ſalt.

which is directed to be allowed and paid by the ſaid recited act for damaged or corrupt wine: for remedy whereof be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That it ſhall and may be lawful to and for the commiſſioners of his Majeſty's exciſe, or any three of them, or the collector or other chief officer of the port where any liquors ſhall be imported as wines, to cauſe all ſuch liquors as ſhall be ſo imported as wines, and alledged by the merchant or importer to be damaged, corrupt, or unmerchantable wine, to be ſtaved, or ſpilled, or mixed with ſalt, as they ſhall judge to be moſt expedient, any thing in the ſaid recited act to the contrary notwithſtanding; and that upon ſtaving, ſpilling, or mixing with ſalt the merchant importing ſaid liquors ſhall be repaid the duties and compenſation for the freight and other charges, as by the ſaid act is directed.

3 commiſſioners, or chief officer where liquors imported as wines, may ſtave, ſpill, or mix with ſalt, ſuch as alledged by importer to be damaged;

who thereupon repaid duties, freight, and charges.

Stills.

II. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the commiſſioners of his Majeſty's exciſe, or any three or more of them, to grant and iſſue a licence or licences to any chemiſt, apothecary, or druggiſt to make uſe of any ſtill, black pot, or alembick for the making or diſtilling of ſimple or compound waters, the full contents whereof ſhall not exceed or contain more than forty gallons; which licence or licences ſo to be granted ſhall expreſs the exact contents of ſuch ſtill, and alſo the metal of which ſuch ſtill is intended to be made; and alſo that it ſhall and may be lawful to and for the ſaid commiſſioners of exciſe, or any three or more of them, to grant a licence or licences to any brazier or manufacturer in metal to make ſuch ſtill, black pot, or alembick, as above mentioned, for the uſe of any chemiſt, apothecary, or druggiſt, that ſhall be ſo licenced as aforeſaid; any thing in this act or any other act or acts of Parliament to the contrary thereof in any wiſe notwithſtanding.

3 commiſſioners may grant licence to chemiſt, apothecary, or druggiſt to uſe a ſtill, &c. not above 40 gallons, expreſſed in the licence,

and to braziers, &c. to make ſuch ſtills.

III. Provided always, That no ſuch licence or licences ſhall iſſue or be granted to ſuch chemiſt, apothecary, or druggiſt, until a bond ſhall be entered into to his Majeſty, his heirs and ſucceſſors, with ſufficient ſecurities in the penal ſum of one hundred pounds, conditioned not to diſtil therein or make any aquavitæ, ſpirits, or other ſtrong waters, which, by any act or acts now in force are ſubject or liable to the payment of any duty or exciſe to his Majeſty; which bonds ſhall be valid and effectual in the law for the recovery of the penalties therein mentioned; and in caſe any chemiſt, apothecary, or druggiſt ſhall make uſe of any ſtill, black pot, or alembeck, before ſuch bond ſhall

100l. ſecurity by ſuch chemiſt, &c. not to diſtil aquavitæ, ſpirits, or waters liable to exciſe,

penalty 100l. on uſing a ſtill before ſecurity.

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ſhall be entered into, and executed, the perſon or perſons ſo offending in the premiſſes ſhall forfeit and loſe one hundred pounds ſterling.

Gaugers refuſed entrance, 14 & 15 C. 2. 8. ſec. 25. recited,

IV. And whereas by an act made in the fourteenth and fifteenth years of the reign of King Charles the ſecond, entitled, *An act for ſettling of the exciſe or new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted*, it was among other things enacted, That if any common brewer, diſtiller, or maker of aquavitæ, or ſtrong waters, or if any vintner, innkeeper, victualler, alehouſe keeper, or other perſon brewing and ſelling beer, ale, aquavitæ, or ſtrong waters, ſhould refuſe or deny any gauger or ſearcher to enter into his or their houſes, brew houſes, ſtilling houſes, outhouſes, ſtores, or other places whatſoever of or belonging unto them, or any of them, to gauge or take an account of his or their brewing veſſels, coppers, fats, kieves, or other veſſels, and of his or their beer, ale, aquavitæ, or ſtrong waters brewed, made, or diſtilled, ſuch common brewer, diſtiller, or maker of aquavitæ or ſtrong waters, vintner, innkeeper, victualler, or alehouſe keeper, for denying entrance and liberty of gauging, or concealing any beer, ale, aquavitæ, or ſtrong waters, ſhould be preſently forbidden by ſuch gauger or ſearcher to carry or deliver any beer or ale, or retail any more beer, ale, aquavitæ, or ſtrong waters; which if he ſhould nevertheleſs do, he or they reſpectively ſhould beſides the forfeiture of double the value of all ſuch beer and ale, aquavitæ, and ſtrong waters, forfeit more, to be paid by every common brewer, fifty pounds, and by every vintner, innkeeper, alehouſe keeper, diſtiller, or other the ſum of five pounds: and whereas doubts have ariſen, whether the penalties and forfeitures, impoſed by the ſaid laſt mentioned act for denying entrance, can be ſued for or recovered, unleſs denial be made by the common brewer, diſtiller, vintner, innkeeper, victualler, or alehouſe keeper in perſon, who frequently in order to evade the penalty of the law keep out of the way, and leave their brewing houſes and diſtilleries under the care of ſome of their ſervants, or other perſons reſiding in their families: for remedy whereof, and for obviating and taking away all ſuch doubts, be it further enacted and declared by the authority aforeſaid, That the penalties impoſed by the ſaid recited act of the fourteenth and fifteenth years of the reign of King Charles the ſecond on brewers, diſtillers, vintners, innkeepers, victuallers, and alehouſe keepers reſpectively for denying entrance and liberty of gauging, or concealing any beer, ale, aquavitæ, or ſtrong waters from the gauge, view, or ſight of the gauger or gaugers, ſearcher or ſearchers, appointed to gauge, view, and take an account of the ſame,

penalty therein extended to brewer, diſtiller, vintner, &c. whoſe wife or perſon in abſence intruſted refuſe entrance to gauger or ſearcher.

ſame, ſhall extend or be conſtrued to extend to every common brewer, diſtiller, vintner, innkeeper, victualler, and alehouſe keeper, whoſe wife in the abſence of the huſband, or whoſe principal ſervant, or other perſon or perſons uſually intruſted with the cuſtody of his or their ſtock in the abſence of the huſband and wife, ſhall refuſe or deny entrance, in the ſame manner as if ſuch refuſal or denial of entrance had been by ſuch brewer, diſtiller, vintner, victualler, and alehouſe keeper in perſon.

Diſtillers,

on hiring or lending veſſels to diſtil ſtrong waters 24 hours notice in writing to the officer,

V. And for the more effectual preventing clandeſtine diſtilling of ſpirits for ſale, be it enacted by the authority aforeſaid, That all and every perſon and perſons, who ſhall lend or let out for hire any blackpot, or other veſſel or veſſels uſed in the making or diſtilling of ſtrong waters, ſhall, before he, ſhe, or they ſhall lend or let out the ſame for hire, give twenty four hours notice in writing to the gauger or other exciſe officer of the diſtrict, wherein he, ſhe, or they do or ſhall reſide, of the name and place of abode of the perſon or perſons, to whom he, ſhe, or they ſhall have agreed to lend or let out ſuch blackpot or other veſſel or veſſels for diſtilling, under the penalty of five pounds for every time he, ſhe, or they ſhall lend or let out for hire ſuch blackpot or other veſſel or veſſels for diſtilling ſpirits, without giving ſuch notice as is before mentioned.

penalty 5l.

Brewers, 31 G. 2. 10. *ſec.* 73.

exciſe officer may ſeize brewing veſſels hired out without notice thereby directed, and if not claimed in 21 days, confiſcated.

VI. And whereas by the ſaid recited act, made in the thirty third year of the reign of his late Majeſty King George the ſecond, it is among ſeveral other things enacted, That all and every perſon and perſons, who ſhould have or keep any brewhouſe, keeve, or pan for brewing, and ſhould let out the ſame for hire, ſhould, before he, ſhe, or they ſhould let out ſuch brewhouſe, keeve, or pan, give notice in writing to the gauger or other officer of the diſtrict of the name and place of abode of the perſon or perſons, to whom he, ſhe, or they agreed to let out the ſame, under the penalty of five pounds: and whereas it has been found, that keeves and pans have been often let out for hire without giving notice, as by the above recited act is directed, and when diſcovered by the officers of exciſe, the perſon or perſons, to whom the ſame belonged, in order to avoid the penalty thereby incurred have diſclaimed their property therein; for remedy whereof be it enacted by the authority aforeſaid, That in caſe any keeve, pan, blackpot, or other veſſel for brewing ſhall be let out for hire, without notice been given as by the ſaid recited act is directed, and that any officer of exciſe ſhall find or diſcover the ſame, and that no perſon or perſons ſhall claim property therein, then and in that caſe it ſhall and may be lawful to and for ſuch officer of exciſe to ſeize and carry ſuch keeve,

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pan, blackpot, or other veſſel to the next office of exciſe, and if not claimed within twenty one days after the day, on which ſuch ſeizure ſhall be made, the ſame ſhall be forfeited and confiſcated.

Common and retailing brewers, when required by officer, ſhall ſhew their ſtock; penalty 20l. and on the perſon employed 10l.

VII. And whereas great frauds are frequently practiced by common and retailing brewers of beer and ale for ſale by concealing their beer, ale, guile, and worts from the officers appointed to view and gauge the ſame: for remedy whereof be it enacted by the authority aforeſaid, That every common and retailing brewer of beer and ale for ſale, and the perſon or perſons employed by him, her, or them to attend their reſpective brewhouſes or ſtorehouſes, ſhall from time to time, and as often as he, ſhe, or they ſhall be required by the officer or officers appointed to view, gauge, and take an account of the ſame, ſhew to ſuch officer or officers all the ſtock then in hand, or beer, ale, guile, or wort belonging to ſuch common or retailing brewer or brewers, under the penalty of twenty pounds to be forfeited by ſuch common or retailing brewer or brewers in caſe of refuſal, and of ten pounds to be forfeited by the perſon ſo refuſing; and if ſuch officer or officers ſhall upon ſearch find or diſcover any beer, ale, guile, or worts of the ſtock then in hand, which ſhall not have been declared or ſhewn, ſuch common or retailing brewer or brewers ſhall reſpectively forfeit and loſe the ſum of five pounds for every barrel of beer, ale, guile, or worts, which ſhall be found or diſcovered to have been concealed as aforeſaid, together with all ſuch beer, ale, guile, or worts, as ſhall be found to have been ſo concealed as aforeſaid; which ſaid penalties and forfeitures ſhall be over and above all other penalties and forfeitures, which ſuch common and retailing brewers are liable and ſubject to by any law of exciſe now in being.

and 5l. every barrel concealed, and the liquors,

over and above all other penalties.

Diſtillers,

VIII. And whereas common diſtillers of ſtrong waters for ſale do often make uſe of large caſks for the ſtoring of their ſpirituous liquors, and in order to prevent the officers of exciſe from gauging the ſame, or taking ſtock therein, make uſe of various contrivances by placing the ſame in ſuch ſituations, as that the officers cannot without great inconvenience and loſs of time execute their duty with effect: for remedy whereof be it enacted by the authority aforeſaid, That every common diſtiller or maker of ſpirits or aquavitæ for ſale ſhall cauſe all their caſks and veſſels, in which ſuch ſpirits ſhall be ſtored, to be placed in ſuch ſituations reſpectively, as that the officers of exciſe may readily and effectually take the gauge thereof; and in default of their being placed in ſuch ſituations for the purpoſe aforeſaid the ſaid officers of exciſe are hereby directed and authorized to take the dimenſions of the outſide of ſuch caſks or veſſels, and to

ſo to place their veſſels as to be readily gauged,

or charged by dimenſions of the outſide.

charge the duties of exciſe according to ſuch dimenſions, as if ſuch caſk or veſſel were of the ſame contents within.

Licences. 17 & 18 C. 2. 19. *ſec.* 2.

IX. And whereas by an act made in the ſeventeenth and eighteenth years of the reign of his Majeſty King Charles the ſecond, entitled, *An act for the better ordering a cellary of wines and aquavitæ, together with all the ſorts of ſtrong waters, by retail*, it is enacted among other things, that every retailer of aquavitæ, or other kind of ſtrong waters whatſoever, ſhall be obliged to take out a licence for that purpoſe, and ſhall for ſuch licence pay ſuch ſum, as ſhall be agreed upon, ſo as none do pay leſs than the ſum of ten ſhillings yearly, and none be compelled to pay more in the city and county of the city of Dublin than ten pounds yearly, and in all other places than five pounds yearly; and whereas by an act paſſed in the third year of his preſent Majeſty's reign, entitled, *An act for continuing and amending two ſeveral acts of Parliament therein mentioned, and for the more effectual preventing of frauds in his Majeſty's cuſtoms and exciſe, and for other purpoſes therein mentioned*, it is enacted, That from the paſſing of the ſaid act there ſhould be paid for every licence for ſelling aquavitæ or other ſtrong waters in the city of Dublin or within four miles thereof ſuch ſum, as ſhould be agreed on, ſo as none do pay leſs than four pounds or more than ten pounds: and whereas ſince the paſſing the ſaid act the duties ariſing from ſpirit licences have been found greatly to encreaſe, and it is apprehended, that the publick revenue may in this particular be ſtill further augmented, at the ſame time that many obſcure and diſorderly ſpirit ſhops may be ſuppreſſed: be it enacted by the authority aforeſaid, That from and immediately after the paſſing of this act there ſhall be payable to his Majeſty, his heirs and ſucceſſors, for every licence to be granted for ſelling aquavitæ or any kind of ſtrong water or ſpirits whatſoever by retail in the ſaid city, and within four miles of the Tholſel of the ſaid city, as well within the franchiſes and liberties as without, ſuch ſum as ſhall be agreed to be paid for ſuch licence purſuant to the directions of the ſaid act of the ſeventeenth and eighteenth of Charles the ſecond, ſo as none do pay leſs than the ſum of ſix pounds yearly, and none to be compelled to pay more than ten pounds yearly; and alſo for every ſuch licence in any other city or town corporate, and the liberties of the ſame, ſuch ſum as ſhall be agreed to be paid as aforeſaid, ſo as none do pay leſs than the ſum of four pounds yearly, and none to be compelled to pay more than five pounds yearly; and alſo for every other ſuch licence to be granted in any other part of this kingdom, (the ſaid city of Dublin, and the diſtrict within four miles of the Tholſel thereof, and all cities and towns corporate, and the liberties thereof,

3 *G.* 3. 21. *ſec.* 11.

Licence to retail ſpirits or ſtrong waters paid for as agreed purſuant to 17 & 18 *C.* 2. 19. *ſec.* 8.

ſo as not under 6l. yearly, nor above 10l. in Dublin or four miles of the Tholſel; in other cities or towns and liberties not under 4l. nor above 5l. in other parts not under 3l. nor above 5l.

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of, excepted) ſuch ſum as ſhall be agreed to be paid as aforeſaid, ſo as none do pay leſs than the ſum of three pounds yearly, and none to be compelled to pay more than five pounds yearly; any law to the contrary in any wiſe notwithſtanding.

Tobacco, tea,

X. And whereas by a clauſe in the ſaid recited act, made and paſſed in the thirty third year of the reign of his late Majeſty King George the ſecond, it was enacted, That from and after the twenty fourth day of June one thouſand ſeven hundred and ſixty all merchantable tobacco and tea, which ſhould be ſeized and condemned purſuant to any of the laws now in force relative to his Majeſty's revenue, ſhould within ten days after ſuch condemnation (if there ſhould be no appeal) and in caſe of any appeal within ten days after the ſentence of condemnation ſhould be affirmed or the appeal diſmiſſed, be publickly and openly ſold by cant to the higheſt and beſt bidder by the collector or other chief officer of the place, where ſuch tobacco or tea ſhould be condemned; and that publick notice ſhould be given by ſuch collector or other chief officer of the time and place of ſuch ſale four days at the leaſt before ſuch ſale, and that the purchaſer on ſuch ſale ſhould pay the duties payable to his Majeſty upon ſuch tobacco and tea; and that the ſeizing officer or officers ſhould receive from the collector or head officer of the diſtrict out of the revenue for every pound of tobacco, which ſhould be ſo ſeized and condemned, the ſum of four pence, in caſe the ſaid tobacco ſhould upon ſuch ſale ſell for the ſum of eight pence *per* pound or more including the duty thereof; but in caſe the ſaid tobacco ſhould not ſell upon ſuch ſale for the ſum of eight pence *per* pound or more including the duty thereof, then and in that caſe the ſum of three pence *per* pound, and no more, ſhould be paid to ſuch ſeizing officer; and for every pound of green tea three ſhillings, and for every pound of bohea tea two ſhillings, in caſe ſuch green tea ſhould upon ſuch ſale ſell for the ſum of five ſhillings *per* pound or more and ſuch bohea tea for the ſum of four ſhillings *per* pound or more; and in caſe ſuch green and bohea teas ſhould not on ſuch ſale ſell for the reſpective prices laſt mentioned, then and in ſuch caſe the ſeizing officer or officers ſhould only be paid for each pound of green tea the ſum of two ſhillings, and for each pound of bohea tea one ſhilling and ſix pence, and no more; and that the purchaſe money ariſing from ſuch ſale ſhould be accounted for to his Majeſty; and in caſe ſuch collector or other chief officer ſhould neglect or refuſe to do his duty therein, he ſhould forfeit for every ſuch offence the ſum of twenty pounds to be recovered by civil bill before the juſtice or juſtices of aſſize of

33 G. 2. 10. ſec. 20. repealed.

the

the county or place, within which ſuch port or diſtrict lies, and in the county of Dublin before ſuch judge or ſuch of his Majeſty's council as ſhould attend at the quarter ſeſſions to be held for the ſaid county, and in the county of the city of Dublin before the recorder, in a ſummary way by civil bill by any perſon, who ſhould ſue for the ſame, provided ſuch ſuit be commenced within eight months after ſuch neglect or refuſal, and not otherwiſe: and whereas it hath been found, that the proviſions in the ſaid recited clauſe relative to tobacco and tea have not anſwered the purpoſes, for which the ſame were intended: be it therefore enacted by the authority aforeſaid, That the ſaid recited clauſe in the ſaid act, paſſed in the thirty third year of the reign of King George the ſecond relative to tobacco and tea, ſhall be repealed, annulled, and made void; and that all tobacco, which ſhall hereafter be ſeized and condemned for being illegally imported into this kingdom, ſhall be ſold by the candle according to the directions mentioned in the act of exciſe; and one third part of the groſs produce ariſing by and from ſuch ſale ſhall be paid to the perſon or perſons, that ſhall ſeize or diſcover the ſame, clear of all expences, coſts of ſuit, or charges whatſoever, and the other two third parts ſhall be to the uſe of his Majeſty, his heirs and ſucceſſors.

Tobacco, ſeized and condemned as illegally imported, ſold by candle purſuant to 14 & 15 *C.* 2. 8. *ſec.* 57. one clear 3d to ſeiſor or diſcoverer, two 3ds to the King.

XI. And be it enacted by the authority aforeſaid, That the ſaid act, paſſed in the thirty third year of the reign of his late Majeſty King George the ſecond, entitled, *An act for better regulating the collection of his Majeſty's revenue, and for preventing of frauds therein; and for repealing an act made the laſt ſeſſions of parliament*, entitled, *An act for continuing and amending ſeveral laws heretofore made relating to his Majeſty's revenue, and for the more effectual preventing of frauds in his Majeſty's cuſtoms and exciſe, and the ſeveral acts and ſtatutes which are mentioned in the ſaid act, and continued thereby*, and alſo one other act, made in the ſecond year of his preſent Majeſty's reign, entitled, *An act for continuing and amending an act*, entitled, *An act for the better regulating the collection of his Majeſty's revenue, and for preventing frauds therein; and for repealing an act made the laſt ſeſſion of parliament*, entitled, *An act for continuing and amending ſeveral laws heretofore made, relating to his Majeſty's revenue, and for the more effectual preventing of frauds in his Majeſty's cuſtoms and exciſe, and the ſeveral acts and ſtatutes which are mentioned in the ſaid act, and continued thereby*, and alſo one other act, made in the third year of his preſent Majeſty's reign, entitled, *An act for continuing and amending two ſeveral acts of Parliament therein mentioned, and for the more effectual preventing of frauds in his*

33 *G.* 2. 10.

1 *G.* 3. 7.

3 *G.* 3. 21.

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Majesty's customs and excise, and for other purposes therein mentioned, and also one other act, passed in the sixth year of his present Majesty's reign, entitled, *An act for continuing and amending several laws relating to his Majesty's revenue, and for the more effectual preventing of frauds therein, and for other purposes therein mentioned*, and all and every the clauses therein respectively contained (except such parts thereof as are altered, repealed, or amended by this present act) shall continue and be in force for the space of two years from the 24th day of June one thousand seven hundred and sixty eight, and from thence to the end of the then next session of Parliament, and no longer.

5 G. 3. c. 16.

all said acts (save as hereby altered) continued 2 years, &c. from 24 June 1768.

Penalties in this or the said 4 acts (unless otherwise provided) levied and applied as by 14 & 15 C. 2. c. 8. with like appeal.

XII. And be it further enacted by the authority aforesaid, That all and every the fines, penalties, and forfeitures, inflicted by this act or by the said four several acts of Parliament herein before last particularly mentioned or recited, or by any of them (other than and except such as are by this act or by any of the said four recited acts of Parliament herein before mentioned otherwise provided for) shall and may be sued for, recovered, levied, and applied in such manner and form, and by such ways and means, and with such powers and authorities, as are prescribed, directed, and appointed in and by the said act of Parliament, made in the fourteenth and fifteenth years of the reign of King Charles the second, entitled, *An act for settling the excise or new impost upon his Majesty, his heirs and successors, according to the book of rates therein inserted*, as fully and effectually to all intents, constructions, and purposes, as if the same were particularly mentioned, expressed, and re-enacted in the body of this present act, with the like remedy of appeal to and for the party or parties who shall think him, her, or themselves aggrieved or injured, as in and by the said act of excise is provided.

Commencement of this act 24 June 1768.

XIII. Provided always, and be it enacted by the authority aforesaid, That this act, and the several further provisions hereby made for the security and improvement of his Majesty's revenue, shall commence and take place from the twenty fourth day of June one thousand seven hundred and sixty eight and not sooner; and shall continue and be in force from the said twenty fourth day of June one thousand seven hundred and sixty eight until the twenty fourth day of June one thousand seven hundred and seventy, and from the determination of the said two years to the end of the then next session of Parliament, and no longer.

continuance 2 years, &c. *annually, and to* 1787, *by* 26 G. 3. c. 46.

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CHAP. XXVIII.

An Act to amend an Act made for the better Preſervation of Corn.

5 G. 3. 18.

WHEREAS the premiums given by the ſaid act have had a good effect, and have encouraged ſeveral landholders and farmers in different parts of the kingdom to erect ſtands in the open air, and to preſerve their corn thereupon; which experience hath proved to be the beſt method in this climate of keeping corn for any length of time clean, ſound, and ſafe from vermin: and whereas it is ſuppoſed, that if the premiums were divided into diſtinct claſſes, one for landholders and the occupiers of extenſive farms, and another for the occupiers of farms not exceeding two hundred and fifty acres nor leſs than forty acres, they would operate more generally, and the intent of the ſaid act be more fully carried into effect: and if ſmall premiums were alſo given to the poorer farmers, who hold not more than forty nor leſs than five acres, to enable them likewiſe to preſerve their corn upon ſtands, it would promote tillage, and prevent that great deſtruction of their corn, which at preſent is cauſed by vermin: be it enacted by the King's moſt excellent Majeſty by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the two hundred pounds given by the ſaid act in each county, inſtead of being divided into the proportions or premiums therein ſet forth, ſhall be divided in the following manner; one hundred pounds thereof ſhall be divided into four premiums; one premium of forty pounds for any quantity of corn not leſs than four thouſand ſtone of wheat, or eight thouſand ſtone of any other corn; one premium of thirty pounds for any quantity not leſs than three thouſand ſtone of wheat, or ſix thouſand ſtone of any other corn; one premium of twenty pounds for any quantity not leſs than two thouſand ſtone of wheat, or four thouſand ſtone of any other corn; and one premium of ten pounds for one thouſand ſtone of wheat, or two thouſand ſtone of any other corn; the ſaid claſs of premiums to be payable on the firſt of January one thouſand ſeven hundred and ſixty nine in each county to the landholders or farmers, occupying in their own poſſeſſion any quantity of land not leſs than two hundred and fifty acres, who ſhall then have the greateſt quantity of corn the produce of their land, and ſhall have reaped the harveſt precedent not leſs than the quantities aforeſaid, preſerved upon ſtands erected in the open air, as in ſaid act mentioned:

the 200l. by 5 G. 3. 18. ſec. 1. divided as follows;

100l. in 4 premiums;

40l. for 4000 ſtone of wheat, 8000 of other corn,

30l. for 3000 of wheat, 6000 other corn,

20l. 2000 of wheat, 4000 other corn,

10l. 1000 of wheat, 2000 other corn,

paid 1ſt Jan. 1769 to occupiers of not leſs than 250 acres having the greateſt produce the harveſt precedent on ſtands in open air,

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tioned: and if it ſhall happen, than any of the higher premiums for any county ſhall remain not claimed, and at the ſame time there ſhall be two or more claimants in that county for any of the lower premiums, in ſuch caſe the premium or premiums not claimed ſhall be diſpoſed in paying a premium or premiums to the perſon or perſons, who ſhall have the greateſt quantity of corn, not leſs than the quantities herein mentioned, for the leſſer premiums.

if no claimants for the higher, and 2 or more for the lower premiums, diſpoſed to the lower.

The other 100l. in 5 premiums, 30, 25, 20, 15, & 10l.

II. And be it enacted by the authority aforeſaid, That the other one hundred pounds, the remaining part of the ſaid two hundred pounds, may be divided into five premiums; one premium of thirty pounds, one of twenty five pounds, one of twenty pounds, one of fifteen pounds, and one of ten pounds; the ſaid claſs of premiums to be payable on the ſaid firſt of January one thouſand ſeven hundred and ſixty nine to the five landholders or farmers in each county, occupying in their own poſſeſſion any quantity of land, not leſs than forty acres nor exceeding two hundred and fifty acres, who ſhall then have the greateſt quantity of corn, reaped from the land occupied by them the harveſt precedent, and preſerved upon ſtands in the open air, as in ſaid act directed.

paid 1ſt Jan. 1769 to 5 occupiers of not leſs than 40, nor above 250 acres, having the moſt corn of precedent harveſt on ſtands in open air.

III. And whereas the ſum of four thouſand five hundred and thirty nine pounds, which was intended by the ſaid act to be paid in premiums for the year ending the firſt of January one thouſand ſeven hundred and ſixty ſeven, remains not claimed, and the ſum of two thouſand nine hundred and forty five pounds, which was by the ſaid act intended for the ſame purpoſe for the year one thouſand ſeven hundred and ſixty eight, alſo remains not claimed: be it enacted by the authority aforeſaid, That a further ſum of fifty pounds may be yearly paid in each county to the loweſt claſs of farmers, who hold not more than forty acres nor leſs than five acres; the ſame to be divided into five premiums, one premium of fifteen pounds, one of twelve pounds, one of ten pounds, one of eight pounds, and one of five pounds, and to be paid upon the firſt of January one thouſand ſeven hundred and ſixty nine to the five farmers of the ſaid loweſt claſs in each county, who ſhall then have the greateſt quantity of corn reaped from their farms reſpectively the harveſt precedent, and preſerved upon ſtands in the open air, as in the ſaid act is directed; and that landholders or farmers, living within any county of a city or county of a town, ſhall be conſidered as entitled to any of the premiums aforeſaid in the ſame manner to all intents and purpoſes whatſoever as the inhabitants of the county at large, within which ſuch town or city lies, ſo as they may claim and receive any of the premiums

4539l. premiums intended by ſaid act, for the year ending 1 Jan. 1767, and 2945l. for 1768, not being claimed,

further 50l. paid yearly in each county to farmers of not more than 40, nor leſs than 5 acres,

in 5 premiums, of 15, 12, 10, 8, & 5l. on 1ſt Jan. 1769 to 5 ſuch loweſt farmers having moſt of preceding harveſt on ſtands in open air;

landholders living in county of city or town intitled, as if in county at large.

given

given for such county at large, in the same manner as if they were inhabitants of the county at large.

IV. And be it enacted by the authority aforesaid, That every person intending to claim any of the premiums aforesaid shall give such notice, as the said act requires, to the secretary or assistant secretary of the Dublin Society; in which notice mention is to be made of the parish, barony, and county, wherein the corn and stands lie, of the number of stands, and number of barts upon each stand, and of the number of barts of each species of corn upon each stand; and if there shall be more than one species of corn upon the same stand, then the proof barts must be taken from each specie of corn, and the produe thereof be returned, as the said act directs; and the said secretary shall publish the same weekly, as he receives the same, distinguishing the parishes, baronies, and counties, until the first of January in each year; and if there shall not be more than four hundred barts of corn upon any one stand, or if there shall be different species of corn upon the same stand, and no more than four hundred barts of any one species of corn upon such stand, then in such case, instead of taking down ten proof barts to thrash, as the said act directs, it shall be sufficient to take down only six barts from such stand or stands, containing no more than four hundred barts of any one species of corn, and to return the exact produce of the same, when thrashed, as the said act directs; and the said six proof barts, or ten proof barts in case the number of barts of every one species of corn upon any stand shall exceed four hundred barts, may be taken down from the stand or stands, as the corn is making up, provided the same be taken indifferently and without any choice of the largest sheafs, half thereof from one part and half from another part of such stand or stands.

Notice by claimants to Dublin Society's secretary or assistant, as by said act sec. 3. with the parish, barony, and county, stands, and barts of each species,

proof barts taken from each species,

produce returned as by said act,

published weekly by secretary, distinguishing the parishes, &c.

6 barts from stands containing only 400 of any one species; the produce returned when threshed as by said act,

proof barts taken down as the corn is making up, indifferently, half from each part.

V. And be it enacted by the authority aforesaid, That the affidavits and certificates, necessary by this and the said act to entitle the claimants to their premiums, shall by the several claimants be returned to the secretary or assistant secretary of the Dublin Society, who is to lay the same without delay before the said society, who are hereby empowered to judge from the same of the merit of each claimant; in framing which judgment one stone of wheat is always to be considered by them as equal to two stone of any other species of corn; and barley or bere are to be preferred to oats, whenever the number of stones are equal; and in case several claimants shall appear before the society for the same premium, whose merits are so nearly equal, that a doubt may arise, in such case the claimant,

Affidavits & certificates returned by claimants to secretary,

laid before the society to judge of the merits,

1 stone of wheat equal to 2 of other corn,

barley or bere preferred to oats,

preference to tiller of the largest proportion of his farm, and greatest return *per* acre.

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claimant, who ſhall appear to have tilled the largeſt proportion of his farm, and to have the greateſt return of corn by the acre from the land ſo tilled by him, ſhall have the preference.

Where the farmer aſſiſts in ſtacking, his affidavit and of one aſſiſtant ſufficient, otherwiſe affidavit of 2 employed,

but his affidavit need only ſet forth quantity of his land tilled, & of each ſpecies, the barony, &c. produce, ſuppoſing threſhed & cleaned, and belief of affidavits of the 2 employed.

VI. And be it enacted by the authority aforeſaid, That where the farmer or owner of the corn ſhall himſelf aſſiſt in the ſtacking and management of his corn, there his own affidavit with the affidavit of one other perſon aſſiſting him ſhall be ſufficient: but where the owner of the corn does not aſſiſt himſelf in the management of his corn, in ſuch caſe there muſt be the affidavit of two perſons employed by him, as the ſaid act directs; but the affidavit of the owner of the corn need in ſuch caſe only ſet forth the quantity of the land tilled by him or his order, and that the ſame is occupied by him, and in what barony, pariſh, and county the ſame lies, the quantity of each ſpecies of corn, the produce of ſaid lands ſo tilled, or part of the produce then upon his ſtands, to the beſt of his judgment, ſuppoſing the ſame to be then all thraſhed and cleaned, and that he verily believes, the affidavits of the two perſons employed by him in the management of his corn to be ſtrictly true.

Certificate of premium delivered by the ſecretary to claimant,

upon whoſe receipt indorſed paid by vice treaſurer.

VII. And be it enacted by the authority aforeſaid, That when the Dublin Society ſhall determine the merit of the ſeveral claimants, their ſecretary or aſſiſtant ſecretary ſhall deliver to the claimant or claimants, to whom they ſhall adjudge the premium or premiums, a certificate ſigned by the ſecretary or aſſiſtant ſecretary, or by the preſident or one of the vice preſidents of the ſaid ſociety, or by five members of the ſaid ſociety, ſetting forth the premium or premiums adjudged to him or them; upon the delivery of which, and the claimants receipt upon the back of ſuch certificate for the ſame, to the vice treaſurer or vice treaſurers, or his or their deputy or deputies, he or they ſhall pay the ſum, which ſhall be allowed to him or them in his or their account.

Where the miniſter prevented from certifying, a juſtice of peace may,

but no claimant intitled without it.

VIII. And whereas ſickneſs or other accident may prevent the rector, vicar, or curate of the pariſh from viewing the claimants ſtands of corn, ſo as to give ſuch certificate as the ſaid act requires, in ſuch caſe a neighbouring juſtice of the peace, certifying for the claimant in the manner mentioned by the ſaid act, ſhall anſwer for the purpoſe: but no claimant ſhall be entitled to a premium, who ſhall not produce ſuch certificate either of the rector, vicar, or curate, or juſtice of the peace to the ſecretary or aſſiſtant ſecretary of the Dublin Society.

IX. And whereas this act is calculated as well to encourage tillage as the preſervation of corn, and that the keeping bere and barley too long unthreſhed may tend to the prejudice of the malting trade: be it enacted by the authority aforeſaid, That every perſon, who ſhall make up any quantity of bere or barley upon ſtands, and ſhall perform the other requiſites in this and the ſaid recited act, may take down and threſh his ſaid bere or barley, as ſoon as he may think neceſſary, altho' it ſhall be before the firſt of January in every year; and ſuch perſon ſhall have the benefit of ſuch bere or barley, and ſhall be allowed for the ſame in his claim, as effectually as if he had preſerved the ſame on the ſtands, on which it ſhall be erected, until the firſt of January in every year.

Bere or barley made on ſtands, other requiſites performed, may be threſhed altho' before 1ſt Jan. yearly, and claim allowed as if preſerved on ſtands till then,

X. And be it enacted by the authority aforeſaid, That if any perſon or perſons ſhall wilfully forge any falſe certificate, or wilfully ſwear falſely in any affidavit aforeſaid, ſuch perſon or perſons, when convicted, ſhall ſuffer as perſons convicted of wilful and corrupt forgery or perjury.

Forged certificate and falſe affidavit puniſhed as forgery or perjury.

XI. And be it enacted by the authority aforeſaid, That the like premiums, ſubject to the ſame conditions and reſtrictions in this and the ſaid former act, ſhall be paid yearly for the term of ſeven years from the firſt of January, one thouſand ſeven hundred and ſixty nine, and to the end of the then next ſeſſion of Parliament.

Like premiums 7 years from 1 Jan. 1769, &c.

8 x H. W. C

END OF THE NINTH VOLUME.